

IN THE MATTER OF
THE APPLICATION OF
HAROLD F. GRAUL, JR.
FOR A SPECIAL HEARING AND
ZONING VARIANCE ON PROPERTY
LOCATED ON THE SOUTHEAST
CORNER BELLONA AND BERWICK
AVENUES (7713 BELLONA AVENUE)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 91-65-SPHA

ORDER OF DISMISSAL

This matter comes to the Board on appeal from a decision of the Deputy Zoning Commissioner which denied in part and dismissed in part the subject Petitions.

WHEREAS, the Board is in receipt of a letter of dismissal filed by Keith E. Ronald, Counsel for Petitioner/Appellant, on July 2, 1991 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for said Petitioner/Appellant requests that the appeal filed by him on behalf of said Petitioner/Appellant in this matter be dismissed and withdrawn as of July 2, 1991;

IT IS HEREBY ORDERED this 8th day of July, 1991 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Michael B. Sauer, Acting Chairman

Lynn B. Moreland
Lynn B. Moreland

John G. Disney
John G. Disney

IN RE: PETITIONS FOR SPECIAL HEARING
AND ZONING VARIANCE - SE/Corner
Bellona and Berwick Avenues
(7713 Bellona Avenue)
9th Election District
4th Councilmanic District
Harold F. Graul, Jr.
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 91-65-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment to the previously approved site plan in Case No. 74-108-SPH to construct a single level parking deck within the same portion of residentially zoned property previously approved for parking, pursuant to Section 409 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variances to permit minimum front, rear and side yard setbacks of 4 feet and 10 feet in lieu of the minimum required 50 feet, 30 feet and 20 feet, respectively and a minimum sum of the side yards of 14 feet in lieu of the required 55 feet for a corner lot, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by Keith E. Ronald, Esquire. Also appearing on behalf of the Petitioners were Dennis Graul, George E. Gavrelis, Land Planner with Daft-McCune-Walker, Inc., and Peter G. Christie, Architect. Numerous residents of the area appeared and testified as Protestants. The Protestants were represented by William M. Hesson, Jr., Esquire.

Testimony indicated that the subject property, known as 7713 Bellona Avenue, consists of 1.73 acres, of which 0.821 acres are zoned D.R. 3.5 and 0.91 acres are zoned B.L.-C.N.S. Said property is located at the corner of Bellona, Berwick, and Labelle Avenues and is across from the

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By [Signature]

Mass Transit Administration (MTA) right-of-way for the proposed light rail line. The subject property is improved with a one story food market and adjoining two story building incorporating shops and offices. Said property was granted a use permit for parking on the residentially zoned portion of the site on November 1, 1973 in Case No. 74-108-SPH. Petitioner is desirous of constructing a single level parking deck, which he estimates will cost approximately \$400,000, over the existing parking area to provide 40 additional parking spaces. Testimony indicated the proposed parking deck will be for employee use only. Mr. Graul testified that there are presently 85 persons employed at the subject location, of which 75 are full time and 10 are part time. Testimony indicated that currently there are 114 parking spaces available for both customers and employees. Mr. Graul testified that on peak business days, Fridays and Saturdays, only female employees are permitted to park on the existing lot in view of the limited number of spaces. He estimated that about 20 employees had been parking along the light rail line right-of-way with the rest of the employees parking on nearby residential streets. He testified that employees who usually park along the railroad right-of-way have been displaced as a result of preliminary construction of the light rail line. Mr. Graul indicated that his employees have expressed concern about having to park on the hilly and narrow neighborhood streets, particularly during bad weather. He argued the proposed parking deck will reduce traffic and parking congestion in the community and ultimately promote the general welfare of the residents. Petitioner argued the proposed parking deck will alleviate employees parking throughout the neighborhood and free up additional on-site parking for his customers. Mr. Graul testified that several alternatives were investigated prior to deciding on the proposed parking deck, including leasing

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property from the L'Hirondelle Club, which is approximately 1 and 1/2 miles away from the subject site. The Club declined his offer. Under-ground parking was considered but proved to be too costly.

Testimony indicated that a food market has existed on the subject property for over 50 years. Mr. Graul testified that he began operating the subject food market at this location 18 years ago, after having leased the property from the previous owners until his purchase 10 years ago. He indicated that since that time, business has increased to the point where additional parking is necessary to accommodate the approximately 8,000 to 9,000 customers they serve each week. Mr. Graul testified the existing food market contains 13,000 sq.ft. of which 7,800 sq.ft. are used for retail purposes, 4,900 sq.ft. for storage and work area and 300 sq.ft. for office space. He indicated the food market is open from 9:00 AM to 7:00 PM Monday through Friday, from 9:00 AM to 6:00 PM on Saturdays, and closed on Sundays. Mr. Graul testified the bakers arrive at approximately 3:00 AM, that stock help arrive around 5:00 AM, and the majority of the employees come in between 8:00 AM and 9:00 AM. Most employees are gone by 6:30 PM to 7:30 PM. He testified that deliveries to the site are made daily between 6:00 AM and 7:00 AM the majority of the time, and that there is one delivery at 5:00 AM. Mr. Graul testified that he would comply with any restrictions that might be imposed upon him should the relief requested be granted and indicated that if the parking deck is denied, he will need to expand his store hours to accommodate his customers.

Peter Christie testified as to the character of the surrounding streets and neighborhood and the specifications of the proposed parking deck. He testified the proposed deck will be incorporated into the existing grade of the property, and will utilize the existing landscaping to

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buffer the deck from adjoining residential uses. Testimony indicated the deck will be designed without walls so as not to block air and light and all artificial lighting will be directed away from adjoining residential properties.

C. Richard Moore, Director, Department of Traffic Engineering, was called by Petitioner. He testified that he is familiar with the subject property and that in his opinion, the proposed deck will improve the parking situation by providing more parking. It is his belief that the proposed deck will not be detrimental to the surrounding uses.

George Gavrelis, Land Planner, testified as to the requirements of Sections 409.8(b)(2) and 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) Testimony indicated that in his opinion, the proposed deck meets those requirements and the relief requested will not result in any detriment to the surrounding uses.

Sara Lord testified in opposition to the relief requested on behalf of the Ruxton-Riderwood-Lake Roland Improvement Association. She testified that the Association is generally opposed to the parking deck as it will change the character of the surrounding community. Ms. Lord indicated that the subject site is vulnerable to commercial growth due to plans for the light rail system. Further, Ms. Lord testified that it was her recollection the original use permit for parking on the subject site was to alleviate employees parking in the residential zone.

Marilyn Warshawsky testified in opposition to the proposed deck. Ms. Warshawsky resides at 1506 Berwick Avenue, approximately 5 houses from its intersection with Bellona Avenue. Ms. Warshawsky testified the surrounding community is semi-rural, hilly, with no sidewalks and is a quiet neighborhood. Ms. Warshawsky testified that employees have parked on the

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residential streets since the middle 1970's. In her opinion, to grant the relief requested will pave the way for future expansion of commercial uses into the adjoining residential community and be detrimental to the community, including, but not limited to, creating an adverse visual impact for the residents. Ms. Warshawsky conceded the parking lot is full on holidays and weekends.

Joan Lucas testified in opposition to the relief requested. She testified that she lives at 1505 Berwick Avenue and would overlook the proposed deck. She indicated that while she enjoys shopping at the supermarket, she believes the proposed improvements will increase noise and create a visual problem for nearby residents. Ms. Lucas expressed concern over noise created by current early deliveries, which begin before 5:00 AM.

Brooke McCrystle testified that she lives at 1517 Locust Avenue, one block west of Berwick Avenue. She testified that deliveries to the site are made as early as 3:00 AM and indicated that in her opinion, the proposed deck will result in increased traffic and noise throughout her neighborhood.

Amy Macht testified in opposition to the relief requested indicating that in her opinion, the resulting visual and sound impact upon the community will be detrimental to the general welfare of its residents. She resides at 1412 Labelle Avenue and indicated that she would rather have employees parking on the neighborhood streets than have the proposed parking deck. She indicated she walks to Graul's a couple of times a week.

Pete Saybolt testified he lives 150 feet from the subject property line at 1502 Berwick Avenue. He testified he does not want Bellona Avenue turned into a "York Road" and fears that if the Petitioner is granted his request, the parking deck will serve as a springboard for further commercial

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expansion into the community. In support of their position, the Protestants introduced numerous petitions signed by residents opposing Petitioners' request. Testimony presented at the hearing by the Protestants emphasized the community's high regard of Graul's as a neighborhood supermarket which has served them well.

In response to the Protestants' testimony, Mr. Graul testified the proposed parking deck will be limited to employees only and will be oriented toward the store. As for complaints regarding store deliveries, Mr. Graul testified that the store does not accept deliveries before 5:00 AM, that most early deliveries are made between 5:30 and 6:00 AM, and that the majority of deliveries are made after 7:00 AM. He further testified that a model of the proposed parking deck was placed in the store for approximately 2 and 1/2 weeks prior to the hearing. Mr. Graul testified he had a number of conversations with customers and that many indicated the proposed deck was a good idea. Mr. Graul concluded his testimony by stating that he believes the proposed parking deck will benefit the community by reducing excess parking in the neighborhood by employees.

Counsel for the Protestants argued at the commencement of the hearing that the Petition should be dismissed for failure to comply with Section 400 of the B.C.Z.R. Mr. Hesson argued the parking garage was an accessory structure and as such must comply with Section 400. Petitioner's Counsel disagreed with the applicability of said section as the parking structure should be considered as an other principal building. In support of Petitioner's request for a deck, Petitioner's Counsel cited the decision of the Zoning Commissioner, In Re: West York Road Ltd. Partnership, Case No. 88-440-SPHA. The Protestants' argument that the deck is an accessory structure is not persuasive. Based upon the facts presented, it is clear

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that the proposed parking deck is a principle building for purposes of the B.C.Z.R. The Protestants' motion for dismissal is denied.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. zone by special exception. However, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner's citing of the granting of a parking structure in a D.R. zone in Case No. 88-440-SPHA is not persuasive. Clearly, the factual situation set forth herein and proximity of surrounding residential communities to the proposed parking deck is dissimilar to the case cited above. The Petitioner has not shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would not have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981). After due consideration of the testimony and evidence presented, it is determined that the relief requested in the special hearing should be denied. To permit an intensification of the original use permit granted for the proposed single level parking deck at the subject site would be detrimental to the neighborhood, inconsistent with the spirit and intent of the zoning regulations and not within the scope of the original relief granted in Case No. 74-108-SPH. The findings in said case specifically noted the need for off-street parking increasing over the years due to the closing of a companion store in the

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By [Signature]

ANNIE M. BESTEBREURTJE, M.D.
1515 LABELLE AVENUE
BALTIMORE, MD. 21204
TELEPHONE 823-7027

February 6, 1991

Baltimore County Board of Appeals
County Office Building
Room 315
111 Allegheny Avenue
Towson, Md. 21204

Reference: Petition for Special Hearing &
Zoning Variance
Harold F. Graul, Jr. - Petitioner
Case No. 91-65 SPHA

This letter is in SUPPORT of the proposed parking deck on the Graul's Market parking lot, to be used largely for employee parking.

With the construction of the LIGHT RAIL TRACK Graul's employees have lost their parking facilities along the old railroad track. The result has been a clogging of all the streets and alleys in the Ruxton Community. Neither the local residents, the shoppers and frequenters of the professional offices in this commercial area can find parking spaces.

The proposed parking deck is ON a commercial lot and will be shielded on two sides by evergreen trees from residential view. Since 1955 my pediatric office has been in the 1515 Labelle Avenue Building and my patients are finding it ever more difficult to find parking spaces when they bring their babies and children.

Sincerely yours,

Annie M. Bestebreurtje, M.D.
Annie M. Bestebreurtje, M.D.

5/3/91 - Following parties notified of hearing set for August 27, 1991 at 10:00 a.m.:

Keith E. Ronald, Esquire
Robert W. Cannon, Esquire
Harold F. Graul, Jr., Esquire
William M. Hesson, Jr., Esquire
Mr. Clifford L. Hardwick, Esquire
Ms. Louise M. Schulz-Ruxton-Riderwood-Lake Roland Impr. Assoc., Inc.
Ms. Sarah F. Lord-Ruxton-Riderwood-Lake Roland Impr. Assoc., Inc.

People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
Public Services
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy
County Atty.

7/02/91 - Letter withdrawing appeal received from Counsel for Petitioner /Keith E. Ronald, Esq

Ms. Kathy Weidenhammer
Baltimore County Board of Appeals
Room #315
County Office Building
Towson, Maryland 21204

Re: Graul's Parking Deck
91-65SPHA

Gentlemen:

Please note my opposition to the appeal filed with respect to the above referenced matter. I wish to be included on the assignment notice and would like to appear to provide testimony in opposition to the parking deck at issue. Kindly confirm receipt of this letter. Thank you.

Very truly yours,

Clifford L. Hardwick
Clifford L. Hardwick

CLH/smp

HARDWICK, TRIPODA & HARRIS

LAW OFFICES
LAW BUILDING
15 GILFORD AVENUE
BALTIMORE, MARYLAND 21202
(301) 727-0818
FAX (301) 783-0554

April 2, 1991

PRINCE GEORGES MONTGOMERY
COUNTY
(301) 345-1968

Mrs. David R. Owen
8028 Thornton Road, Towson, MD. 21204
February 14, 1991

Baltimore County Board of Appeals
County Office Building
Room 315
111 Allegheny Avenue
Towson, Md. 21204

Petition for Special Hearing and Zoning Variance
Harold F. Graul, Jr., Petitioner
Case 91-65-SPHA

Sirs:

I am writing to state that I am in favor of Mr. Graul's desire to a zoning variance at his store on Bellona Avenue. He has been a good neighbor to all the area and beyond. This single level parking lot will be no intrusion at all. In fact, it will alleviate the parking problems around the four surrounding streets. It will even be lower than the original hedge row that is directly behind the parking lot.

For many years, I served on the board of the Ruxton Riderwood-Lake Roland Improvement Association. There were many decisions to be made such as this one, and sometimes we often chose the wrong course. I firmly believe this simple level parking area will be a distinct improvement to the traffic flow of heavily used Bellona Avenue.

Thank you,

Eleanor Owen

1/31/91
Baltimore County Board of Appeals
Petition for Special Hearing & Zoning Variance
Harold F. Graul, Jr.
Case No. 91-65-SPHA

Sir:
I signed a petition against Graul's parking deck sometime back. After investigating both sides I have changed my mind and I am for the proposal.

I think Mr. Graul is a good civic minded person and is doing what needs to be done for the betterment of his business.

I have been a resident of Ruxton for 45 years and have witnessed the many changes. My husband and I think the parking deck should be allowed.

Very truly yours
Mrs. Daniel B. Miller
654 Barnall Rd
Ruxton - Md. 21204

May 30, 1991
To: Baltimore County Board of Appeals
Re: Petition for Special Hearing & Zoning Variance
Case No. 91-65 SPHA
Harold F. Graul, Jr., Petitioner

We would like to register our support for Mr. Graul's zoning appeal. We live two blocks from his store and have seen firsthand the difficulty his employees have in finding a place to park.

We have also seen a model of the parking deck he proposes to build and, with all due respect to other residents of the neighborhood who oppose it, find it to be tasteful and in keeping with a comfortable, low-rise neighborhood trying to cope with inevitable growing pains.

Mr. Graul's store has long been one of Ruxton's appealing assets, and we have found him to be an excellent corporate citizen of the community. We applaud his efforts to ease the parking crunch on neighborhood streets.

Sincerely yours,

Sara Engram & Jack Reiff
Sara Engram 1510 Ruxton Road, Baltimore, Maryland 21204



RUXTON-RIDERWOOD LIGHT RAIL COMMITTEE

APRIL 1, 1991
E. HENRY HINRICH, DDS
Secretary
2111 Chapel Valley Lane
Timonium, MD. 21093

Baltimore County Board of Appeals
County Office Bldg. Room 315
111 ALLEGHENY AVE
TOWSON, MD. 21204
CASE No 91-65 SPHA

Dear Sirs,
On reference to the design of Harold F. Graul, Jr. - Petitioner Case No. 91-65 SPHA I hereby request that this be granted as additional parking is urgently needed and the design is ethically acceptable.

Sincerely
E. Henry Hinrich, DDS.

2111 Chapel Valley Lane
Timonium, MD 21093

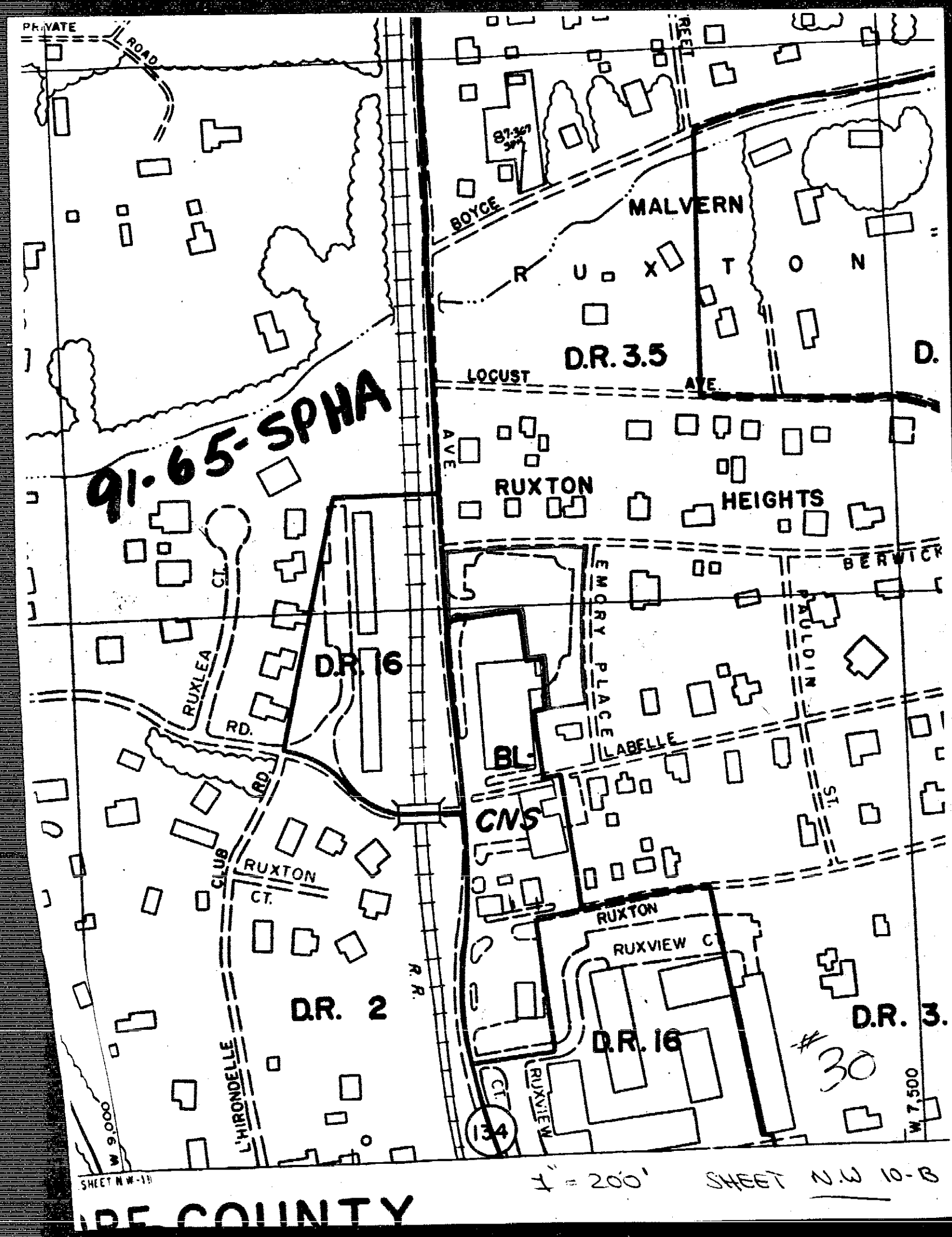
Baltimore County Board of Appeals
County Office Building, Room 315
111 Allegheny Avenue
Towson, Maryland 21204

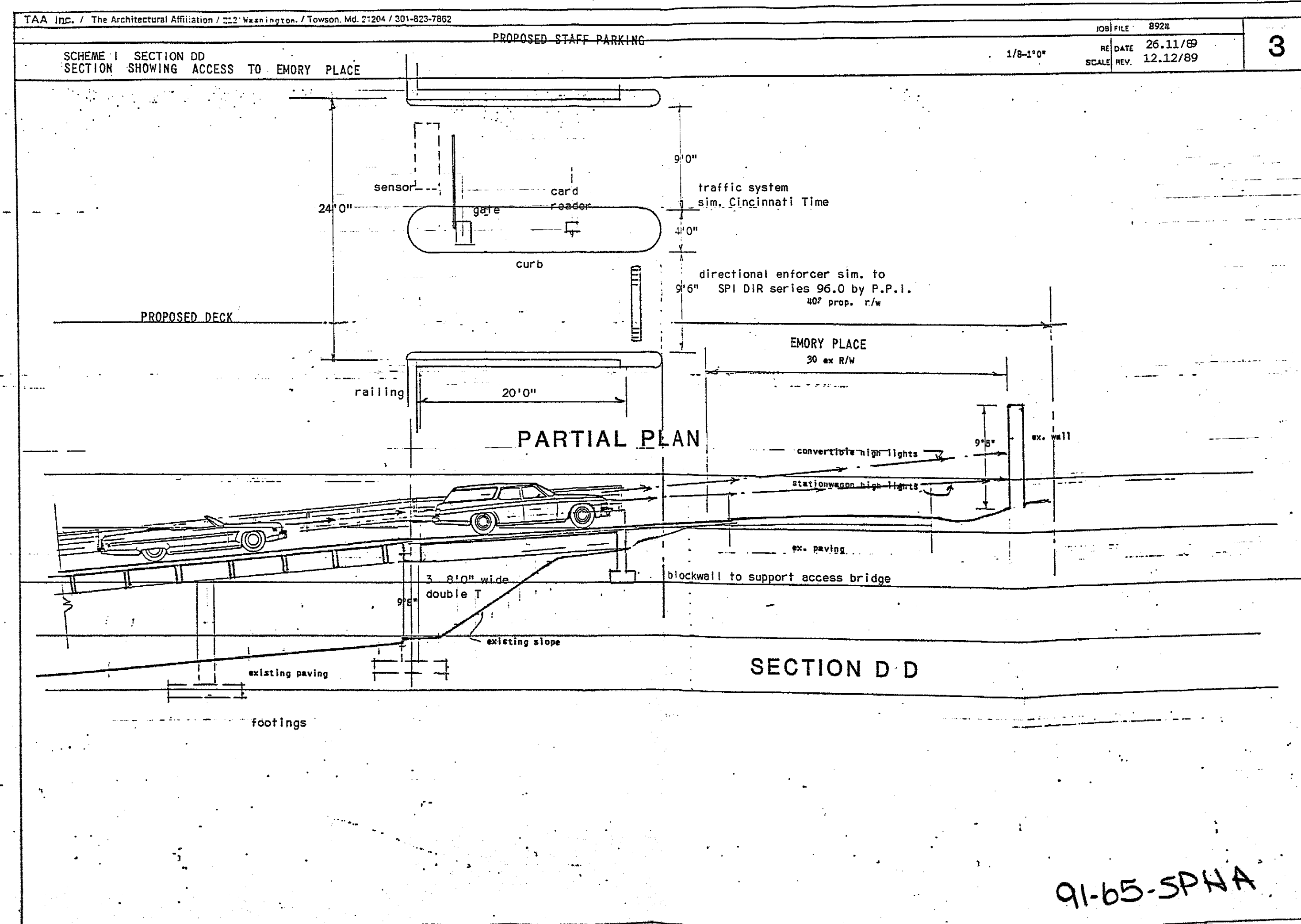
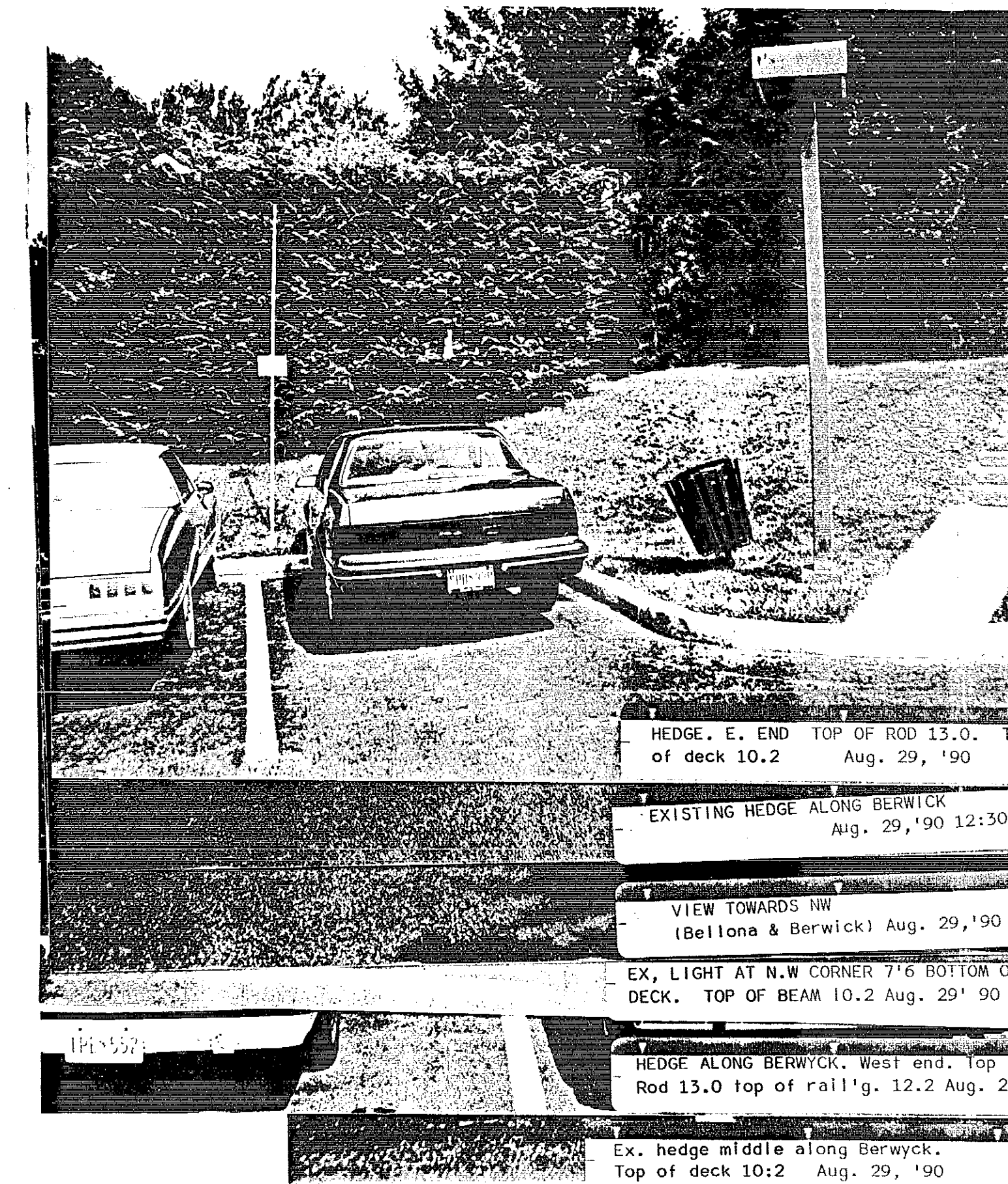
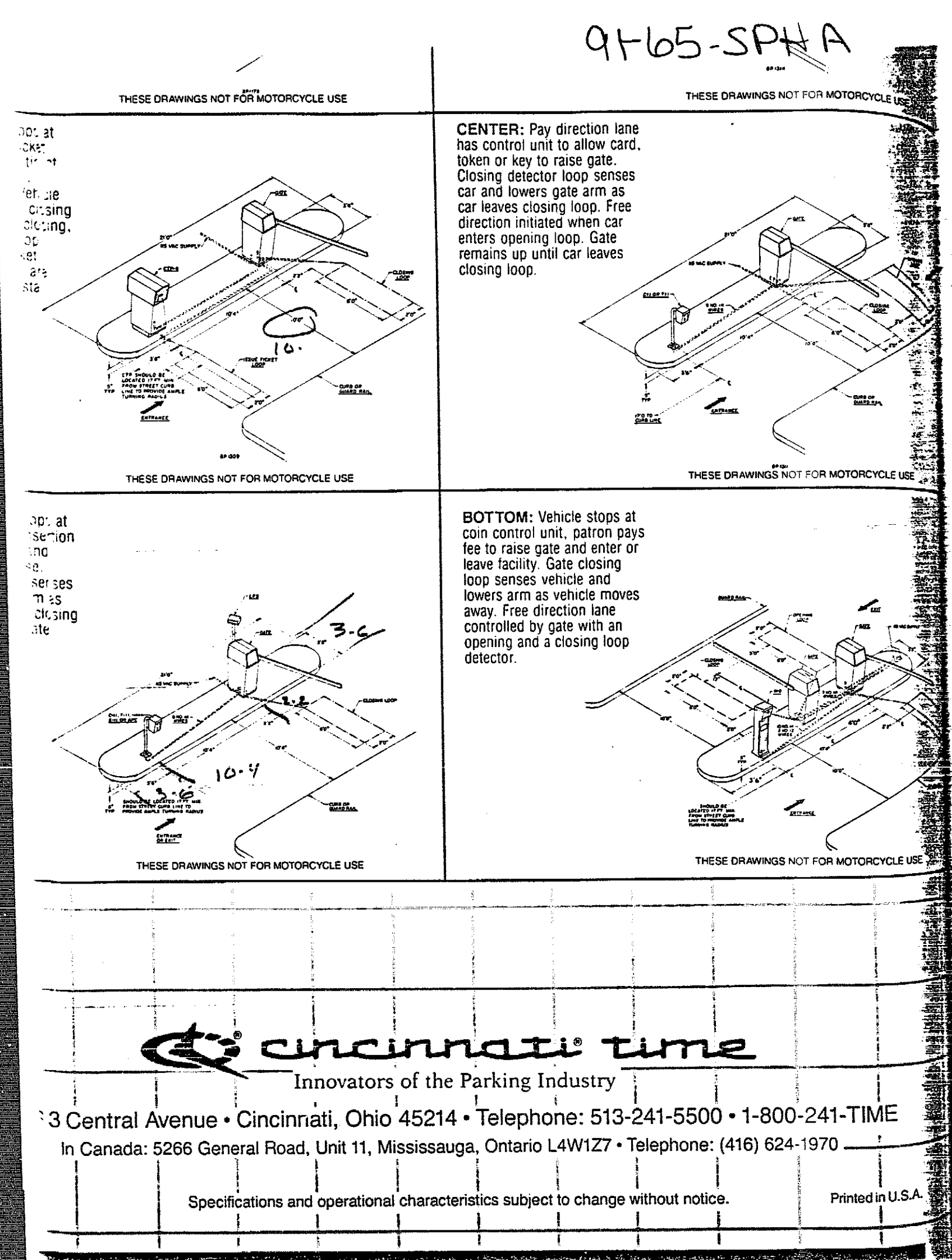
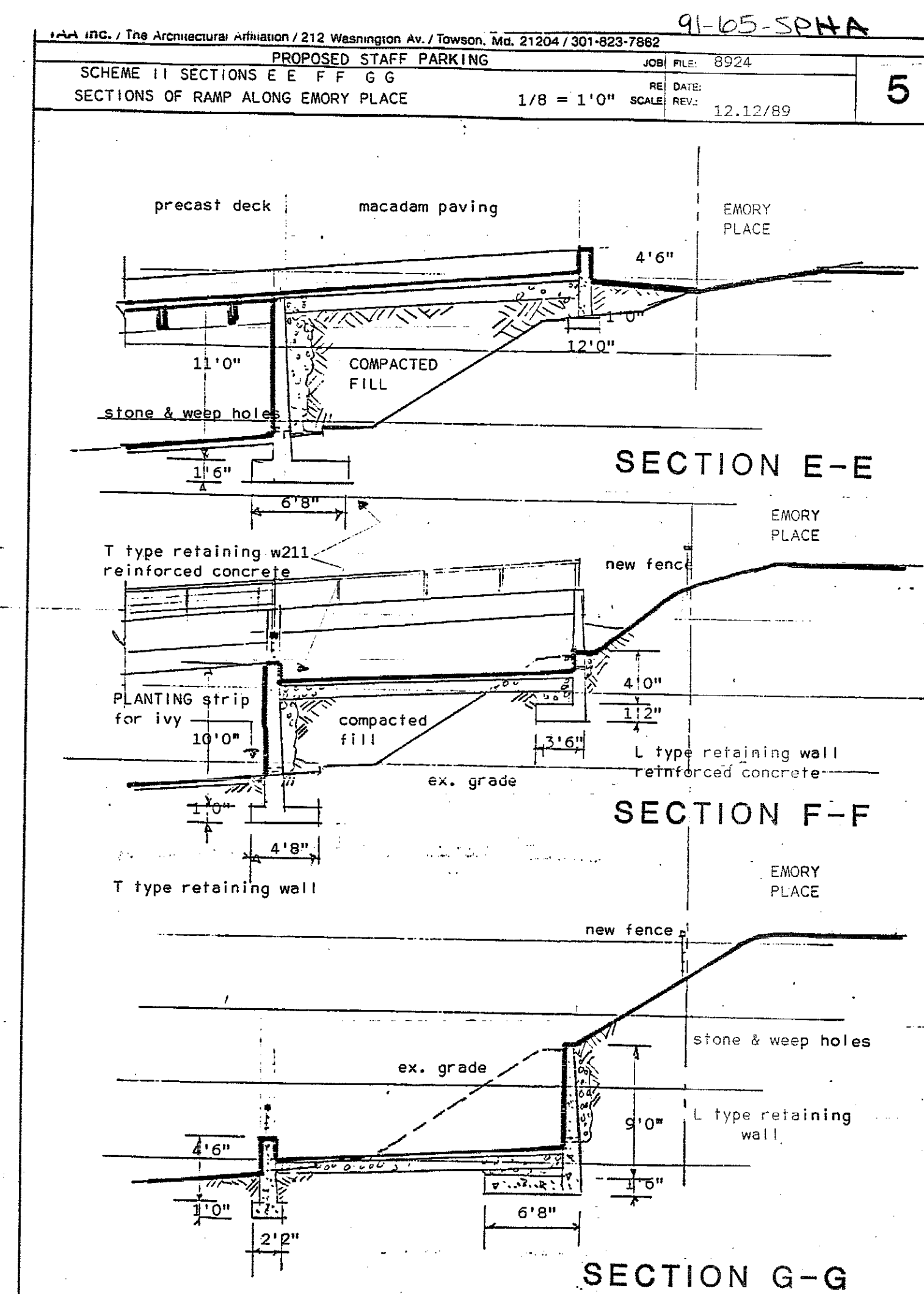
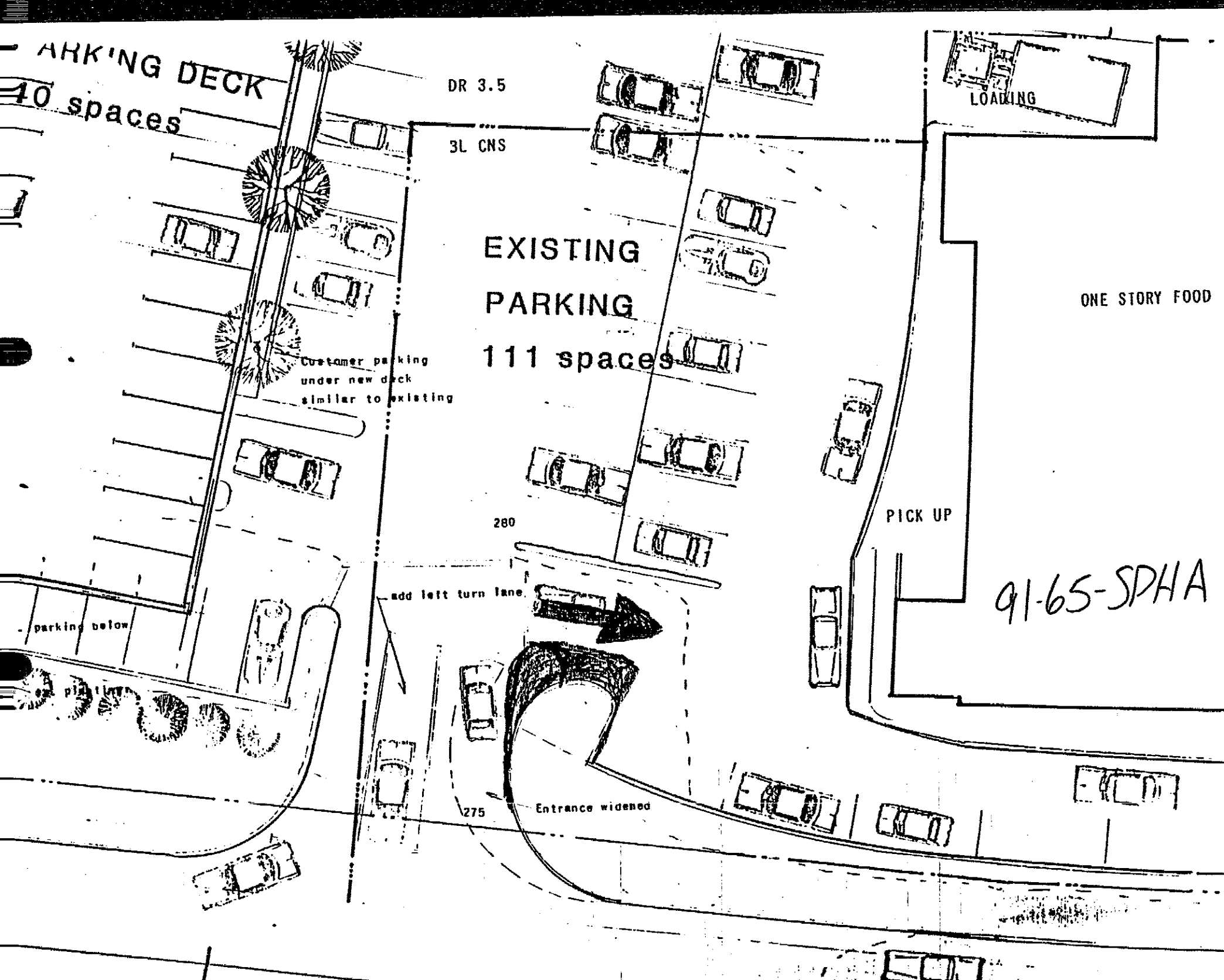
Re: Petition for Special Hearing and Zoning Variance
Harold F. Graul - Petitioner
Case No. 91-65 SPHA

Unfortunately I signed one of the original petitions against the proposed parking deck for Graul's Market. Since that time my husband and I realize the acute problems of the lack of parking spaces for those employed at Graul's and wish to notify you that we feel the parking deck design as proposed by Mr. Graul would not in any way detract from the neighborhood, but would rather relieve the congestion of the small roads in the area which are now being used for employee parking. We strongly urge that Mr. Graul be allowed to build the parking deck.

Very Truly yours,

Officer de Rappaport
1507 Derwent Road
Baltimore, Maryland 21204



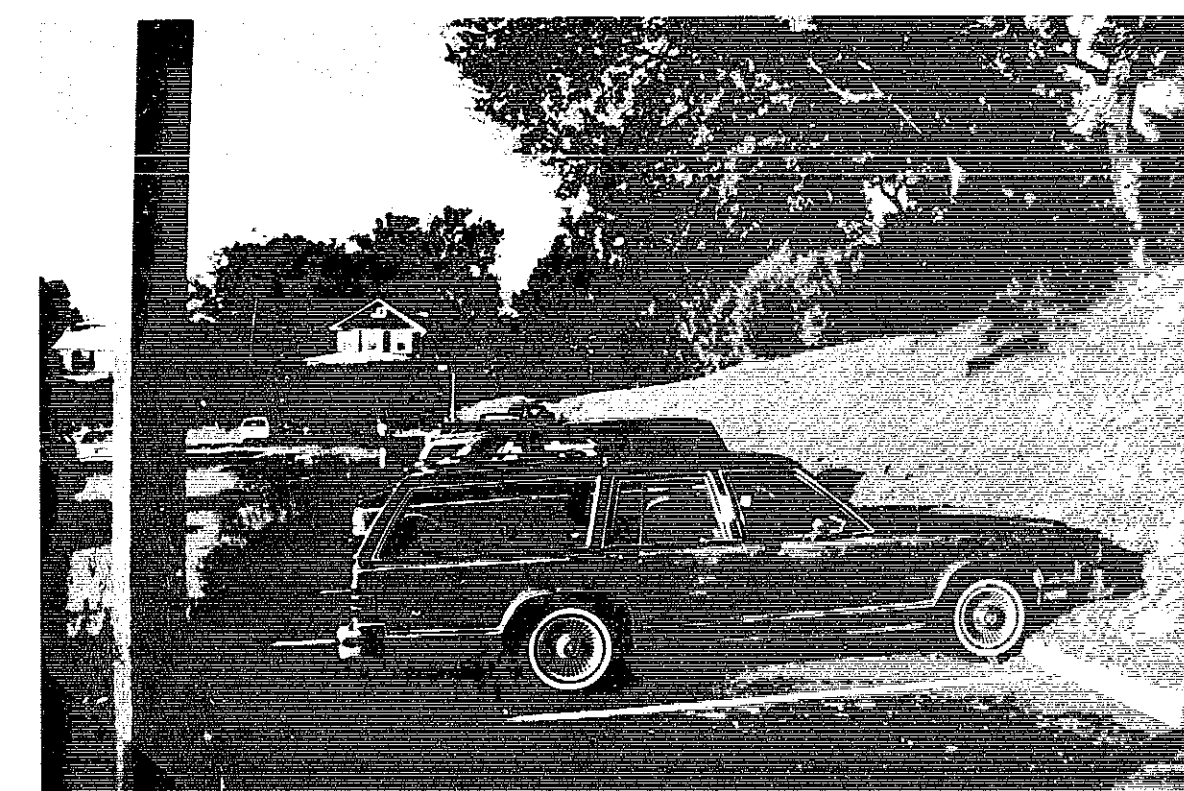




91-65-SPHA



91-65-SPHA



PROTESTANT'S EXHIBIT 1

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

I, the undersigned, the President of the Ruxton-Riderwood Lake Roland Area Improvement Association, Inc. (hereinafter referred to as the "Association"), a Maryland corporation, do hereby certify that at a meeting of the Association, duly and regularly called and held on 16th day of MAY, 1990, a quorum being at all times present, the following resolution was unanimously adopted and recorded in the Minute Book of said corporation: said resolution is in accord with and pursuant to the Articles of Incorporation, Charter and Bylaws of said corporation; and said resolution is now in full force and effect and has not been revoked or amended in any manner:

WHEREAS, the Association desires to be informed of, review and present the position of its members with respect to zoning issues affecting the Association before various officers, administrative agencies, Board of Appeals, and courts where such issues may be heard:

NOW, THEREFORE, BE IT RESOLVED that the responsibility for review and action on all zoning matters is placed on the duly elected Zoning Committee of the Association.

ATTEST:

THE RUXTON-RIDERWOOD-LAKE ROLAND AREA
IMPROVEMENT ASSOCIATION, INC.

Patricia S. Zuck BY: Louise H. Nildeth
SECRETARY PRESIDENT
Louise M. Schulz
NOTARY

My Commission expires October 1, 1994

GRAUL GARAGE PETITION SIGNERS

Last Name	First Name	No.	Street	Zip	Phone
1 Adams	Wendie	4305	Falls Road	21204	366-2426
2 Almer	Joseph	1404	Berwick Road	21204	296-2399
3 Almer	Serna	1404	Berwick Road	21204	296-2399
4 Anderson	Elizabeth	1215	Boyce Avenue	21204	825-3968
5 Anderson, Jr.	J. Lyman	1505	Labelle Avenue	21204	825-3968
6 Alby	Susan	1106	Malvern Avenue	21204	825-5412
7 Bair	Dorothy	1106	Malvern Avenue	21204	825-5412
8 Bair	Robert	1106	Malvern Avenue	21204	825-5412
9 Barr	Loise	1405	Boyce Avenue	21204	494-9772
10 Baker	Dee	7008	Charles Ridge Road	21204	823-1141
11 Baker	Mary F.	1405	Boyce Avenue	21204	823-1141
12 Baker	Robert T.	1405	Boyce Avenue	21204	494-9772
13 Baker	William A.	6316	Hoodway	21212	377-6903
14 Barnhill	Janet	6519	Hoodway	21204	337-9454
15 Barnett	Patricia W.	1407	Carrollton Avenue	21204	823-2331
16 Barton	Nancy	1804	Cottage Lane	21204	486-6954
17 Beall	Beverly	2710	Cave Road	21204	363-6080
18 Beall	Carolyn	1302	Locust Avenue	21204	583-8989
19 Beaton	John H.	1302	Locust Avenue	21204	583-8989
20 Beaton	Lindsay K.	1302	Locust Avenue	21204	583-8989
21 Beaton	Sarah Lindsay	7526	L'Hirondelle Club Road	21204	494-0407
22 Behrens	Bruce E.	7526	L'Hirondelle Club Road	21204	494-0407
23 Behrens	Polly	309	Westwind Road	21204	823-5621
24 Bell	Anthony J.	309	Westwind Road	21204	823-5621
25 Bell	Mildred S.	1308	Berwick Road	21204	828-9209
26 Bengur	Lestie	1514	Berwick Road	21204	828-9209
27 Berlant	Mrs. William H.	7515	L'Hirondelle Club Road	21204	339-7511
28 Bissell	William H.	7515	L'Hirondelle Club Road	21204	339-7511
29 Bissell	Robert W.	1743	Circle Road	21204	296-5223
30 Black, Jr.	Janet	445	Range Road	21204	828-1504
31 Blake	Robert W.	1302	Boyce Avenue	21204	825-5382
32 Blom	Margaret L.	1930	Old Court Road	21204	337-8518
33 Blount	Joyce	1514	Berwick Road	21204	828-9209
34 Bonnell	Cynthia L.	1603	Ruxton Court	21204	321-9111
35 Bousquet	Anne Inesley	1015	Boyce Avenue	21204	771-4183
36 Boyce	Edith	1015	Boyce Avenue	21204	828-6665
37 Bradford	Beati B.	1015	Boyce Avenue	21204	828-6665
38 Bradford	Patricia H.	205	Goodwood	21204	889-2377
39 Braulley	Permilia	3438	Birch Hollow Road	21208	955-6060
40 Brodie	Jonas	900	Army Road	21204	825-2309
41 Brooks	John	1107	Boyce Avenue	21204	821-7558
42 Brown	Charles C.	1107	Boyce Avenue	21204	821-7558
43 Brown	Jane Buxton	1107	Boyce Avenue	21204	825-2931
44 Buck	John E.	11219	GreenSpring Avenue	21204	653-2139
45 Buell	Lynn H.	2800	Ridge Terrace	21204	825-6060
46 Bunting	Mary C.	6506	Darnall Road	21204	825-6060
47 Burtz	Lita	02120	Sunnylake Place	21204	828-6214
48 Cain	Lorraine	904	Malvern Avenue	21204	828-6214
49 Cain	Winfield	904	Malvern Avenue	21204	828-6214
50 Campbell	Harry Jo	1904	Indian Head Road	21204	825-2704
51 Cashman	Susan T.	1717	Circle Road	21204	296-5321
52 Caylor	Mike	1739	Circle Road	21204	825-2018
53 Cecil	Cynthia	1406	Berwick Road	21204	828-1905
54 Cecil	Robert D.	1316	Berwick Road	21204	825-2060
55 Chabin	Dexter	1316	Berwick Road	21204	825-2060
56 Chabin	Ruth	1715	Circle Road	21204	825-8837
57 Chapman	Catherine S.	1715	Circle Road	21204	825-8837
58 Chapman	E.N.	2705	Hedges Hill Road	21204	557-9186
59 Cheik	Marge	1741	Circle Road	21204	825-8772
60 Chesney	Mrs. R.W. (Ling)	1741	Circle Road	21204	821-6775
61 Coe	Diana C.	1747	Circle Road	21204	821-6775
62 Coe, Jr.	Ward B.	1906	Indian Head Road	21204	321-1444
63 Conklin	William	1906	Indian Head Road	21204	321-1444
64 Conklin	William	908	Army Road	21204	321-9755
65 Cowling	Bili	908	Army Road	21204	321-9755
66 Cowling	Sue	1405	Carrollton Avenue	21204	825-0840
67 Cook	Genevieve H.	1405	Carrollton Avenue	21204	825-0840

10/15/90

91-65 SPHA

PETITIONS FROM
OPPOSITION

PROTESTANT'S
EXHIBIT 2

To
S. Robert Haines
Zoning Commissioner

Let it be known I am not
in favor of Graul's request for
a zoning hearing to build a
concrete parking garage -

Sincerely,
Shirley L. Davis

1106 Malvern Ave.
Baltimore, MD 21204
10-122-90

Walker F. Peterson, Jr.
1838 Circle Road
Baltimore, Maryland 21204

October 11, 1990.

Zoning Comm. Baltimore Co.
111 W. Chesapeake Ave.
Baltimore, MD 21204

KATHERINE GODINE
1908 Locust Avenue
Ruxton, Maryland 21204

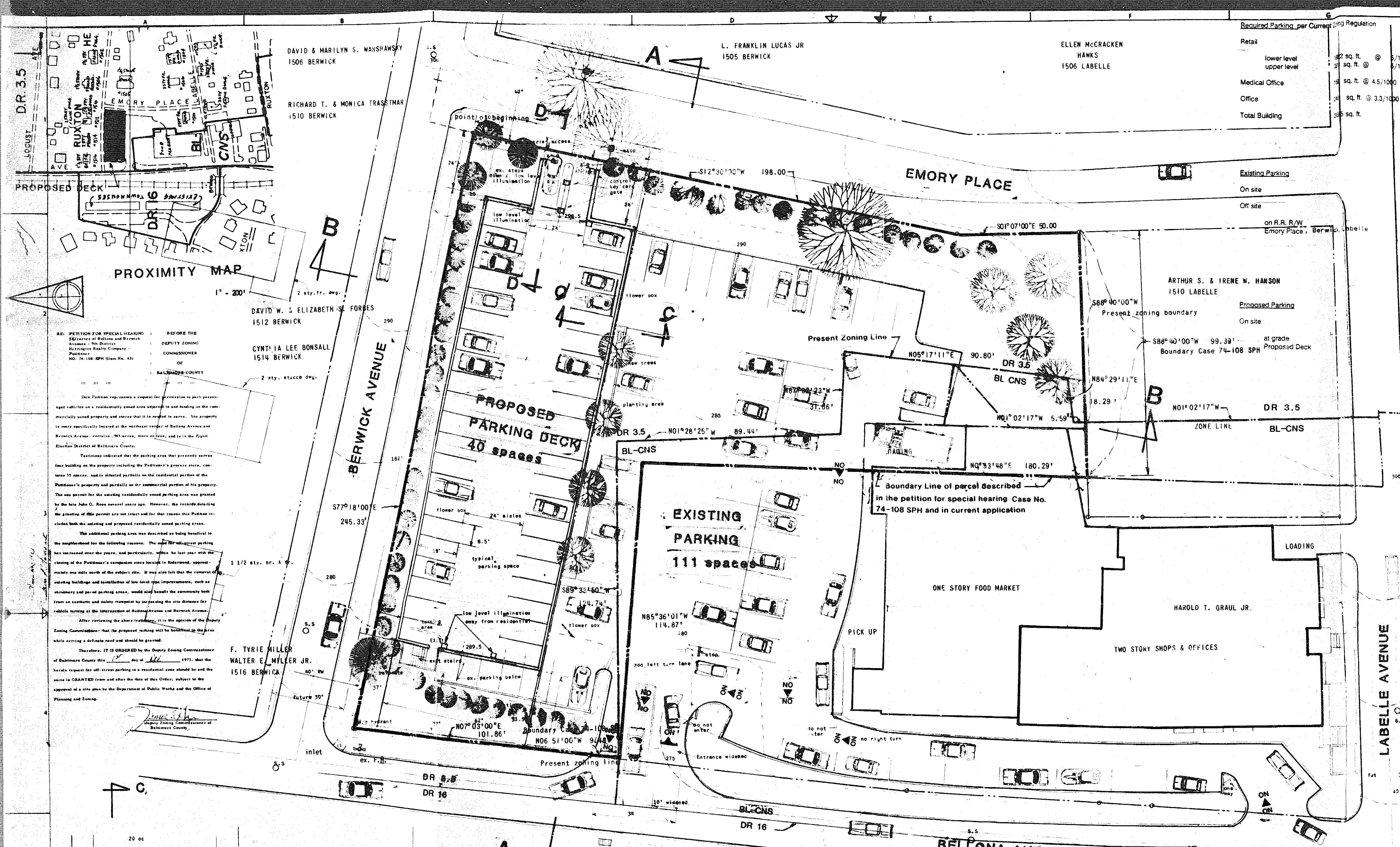
Mr. J. Robert Haines
Zoning Commissioner,
Baltimore County,
111 West Chesapeake Avenue
Baltimore, MD 21204

Dear Mr. Haines,

I am writing to you today as a
resident of Ruxton to urge you to op-
pose the plans for a second level
parking lot to Graul's Market on
Belknap Avenue. On October 16th,
Graul's Market will seek zoning variances
to build a large parking deck above
the existing lot to accommodate 40
additional spaces - supposedly for
employees of the market. The

91-65-SPHA
Letters from Community

g which
border
g which



Required Parking per Current Zoning Regulation	
Retail	2 sq. ft. @ 5/1000
lower level	2 sq. ft. @ 5/1000
upper level	2 sq. ft. @ 5/1000
Medical Office	1 sq. ft. @ 4.5/1000
Office	1 sq. ft. @ 3.3/1000
Total Building	25 sq. ft.

84.1 spaces	JEROME H. WATTS
19.05 spaces	1507 LABELLE
7.56 spaces	
8.12 spaces	
119 spaces	
114 spaces	
26 spaces	DAVID H. WILSON
11 spaces	1509 LABELLE
151 spaces	
111 spaces	
40 spaces	
Total 151 spaces	

7	15-7/90	boundary labels added
8	12-7/90	see ss. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

30

91-65-SPHA TAA Inc.

The Architectural Affiliation
Baltimore: 301-823-7882
212 Washington Ave.
Towson, Maryland 21204

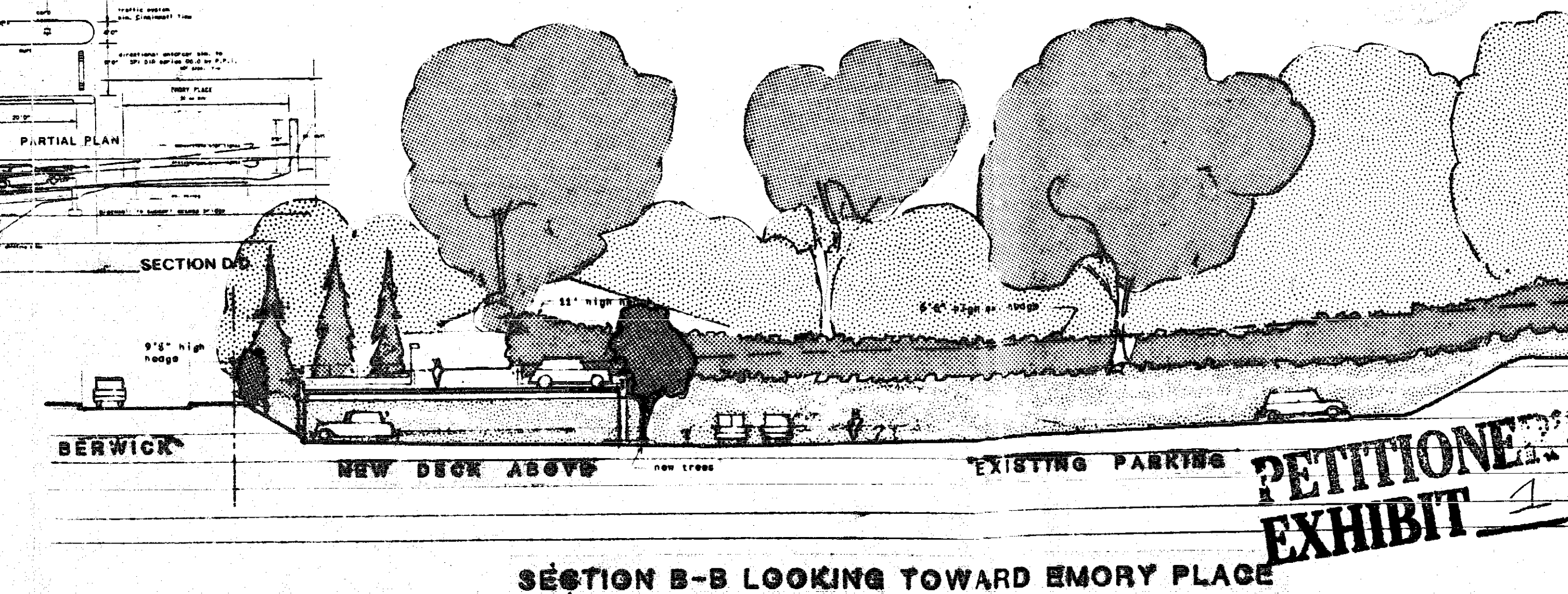
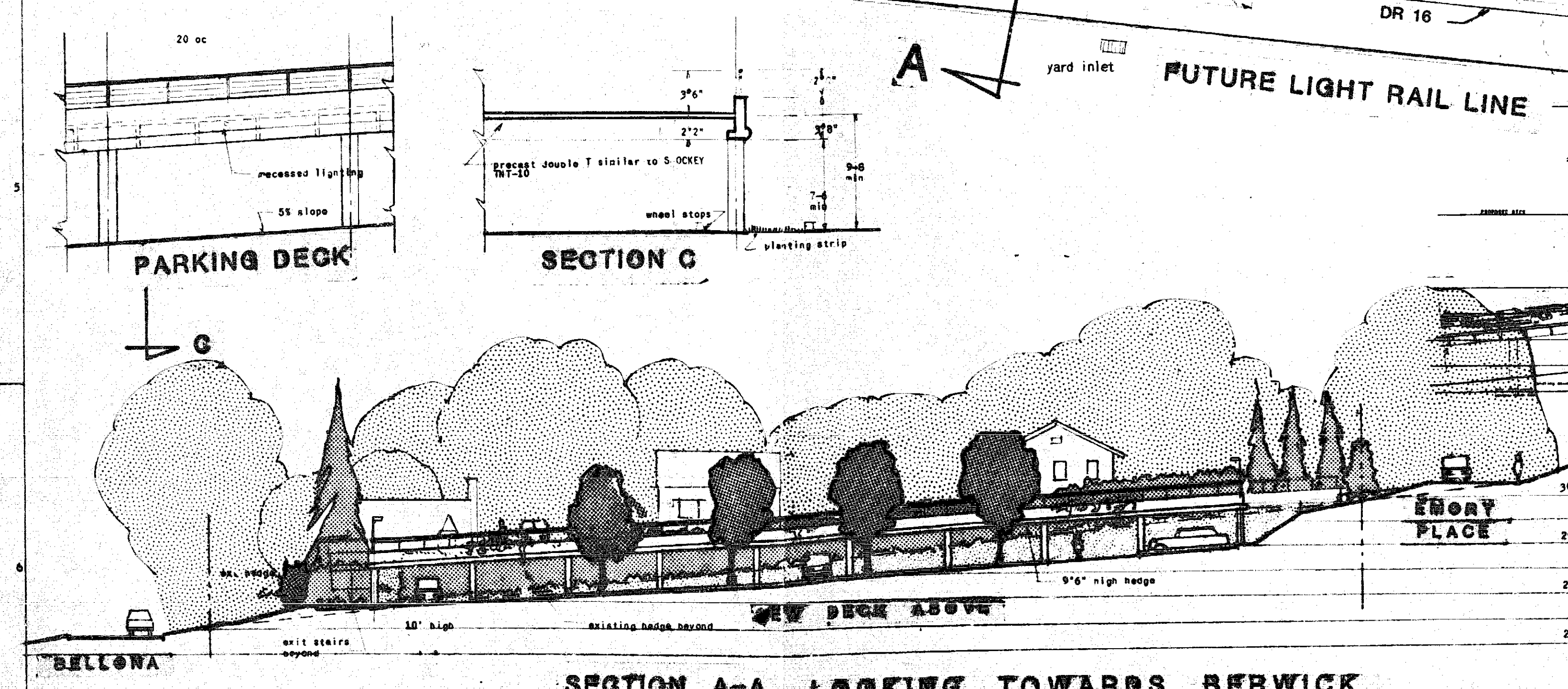
PROPERTY OF
HAROLD F. GRAUL, JR.

PETITION FOR
SPECIAL HEARING
AND VARIANCE
TO CONSTRUCT
PARKING DECK

7713 BELPONA AVENUE
RUXTON, MD 21204

SITE PLAN
AND SECTIONS

PROJ. NO.	8925
SCALE	1" = 20'
DATE	12-12/89
LAST REV.	12-7/90

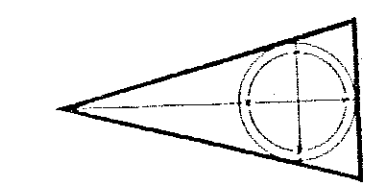


Required Parking per Current Zoning Regulation

Retail	lower level	1822 sq. ft. @ 8/1000	84.1 spaces
	upper level	854 sq. ft. @ 8/1000	19.05 spaces
Medical Office		168 sq. ft. @ 4.5/1000	7.56 spaces
Office		246 sq. ft. @ 3.0/1000	8.12 spaces
Total Building		2468 sq. ft.	119 spaces

Existing Parking		
On site		114 spaces
Off site		
on R.R. R/W		26 spaces
Emory Place		11 spaces
		151 spaces
Proposed Parking		
On site		111 spaces
at grade		40 spaces
Proposed Deck		
		Total 151 spaces

DR 3.5
BL CNS



NO	DATE	ITEM
REVISIONS		
1		
2		
3		
4		
5		

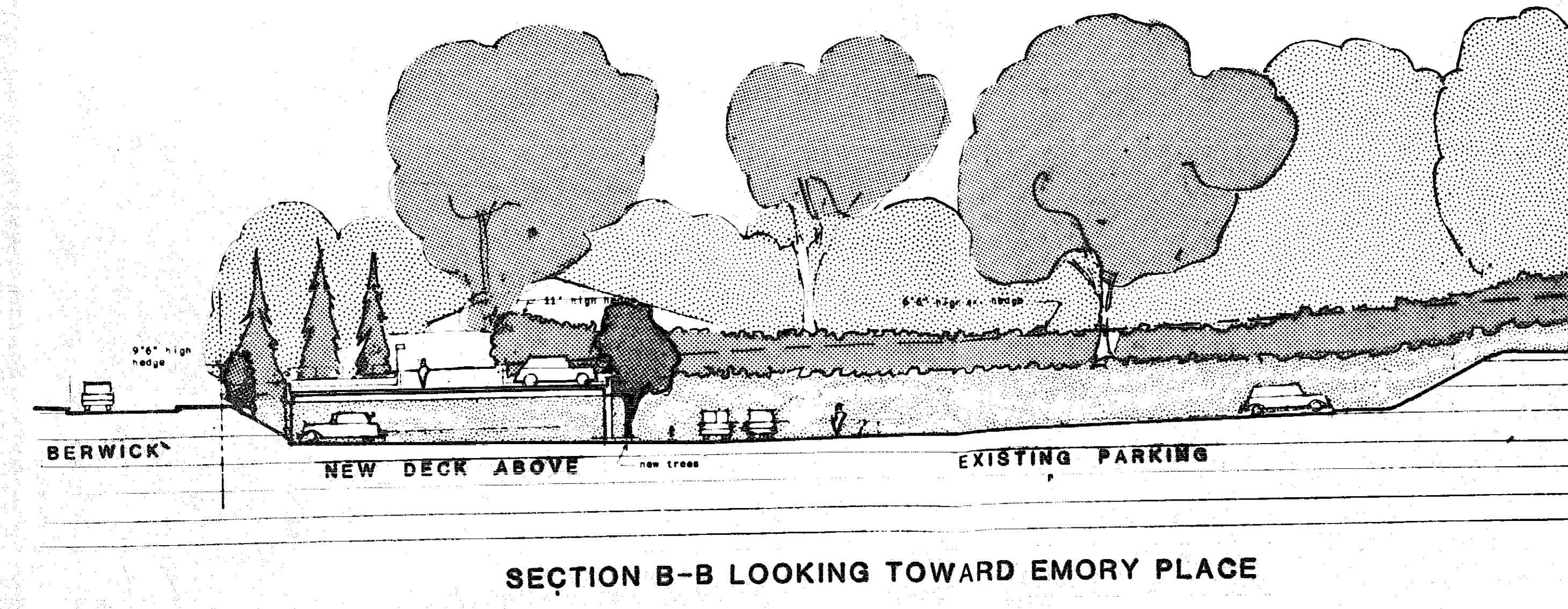
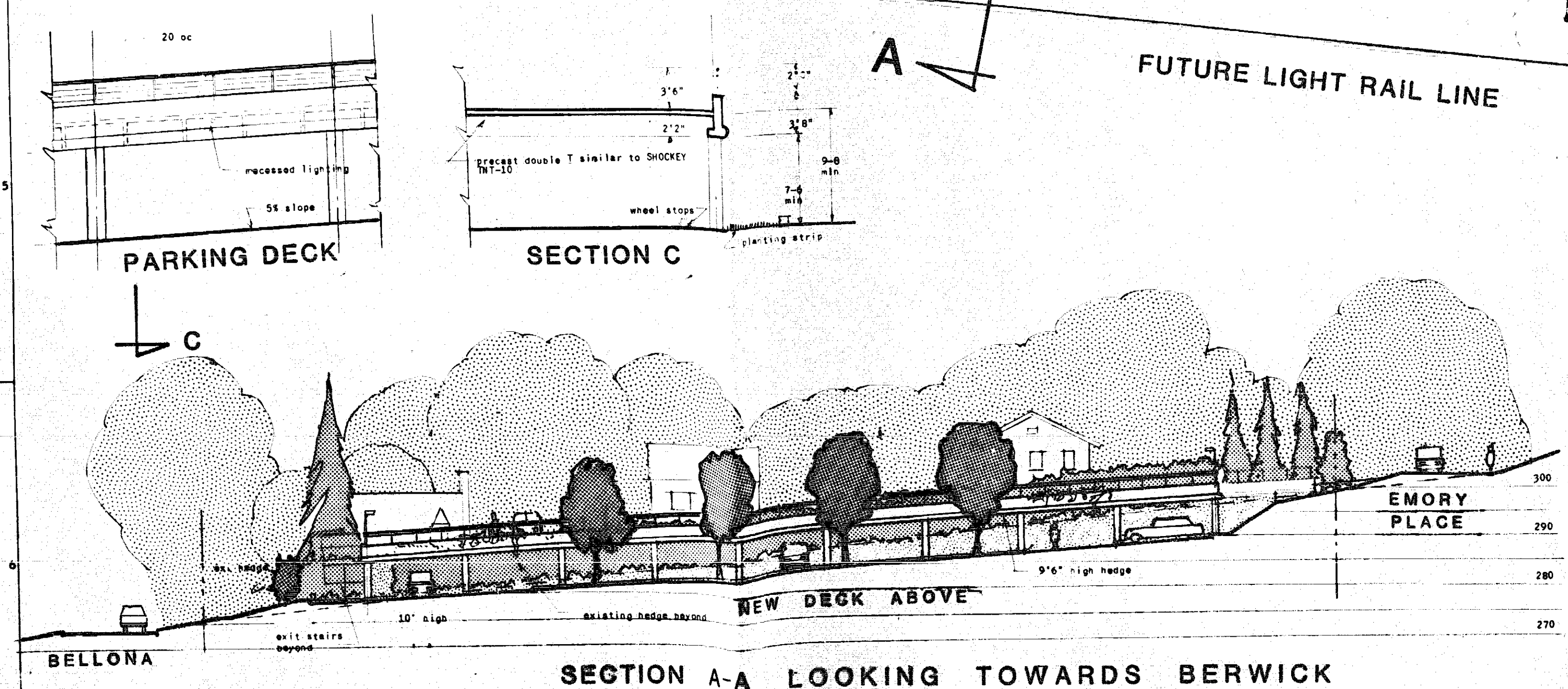
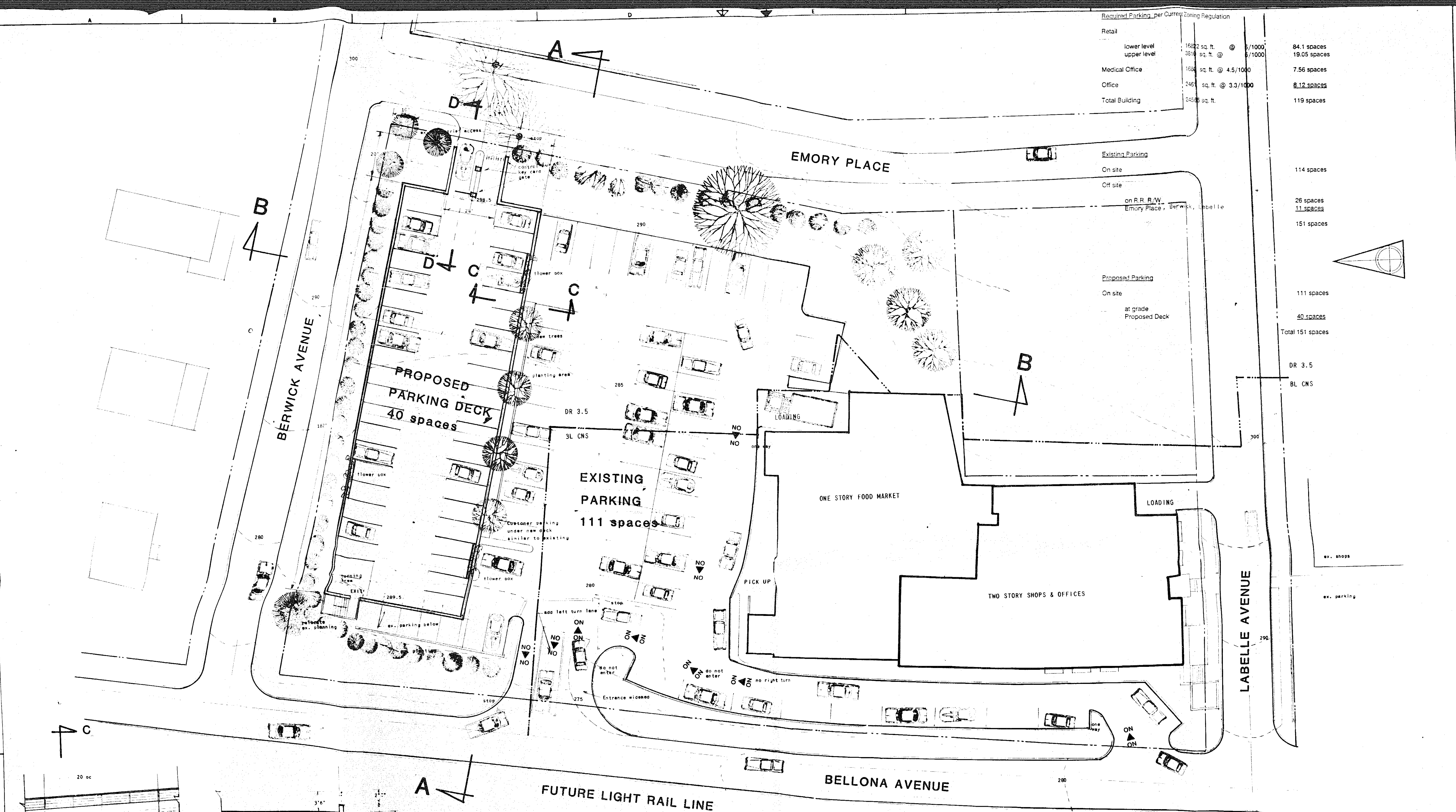
CONSULTANTS	
PRINCIPAL	
PROJ. MGR.	
DESIGNED	
DRAWN	
APPROVED	

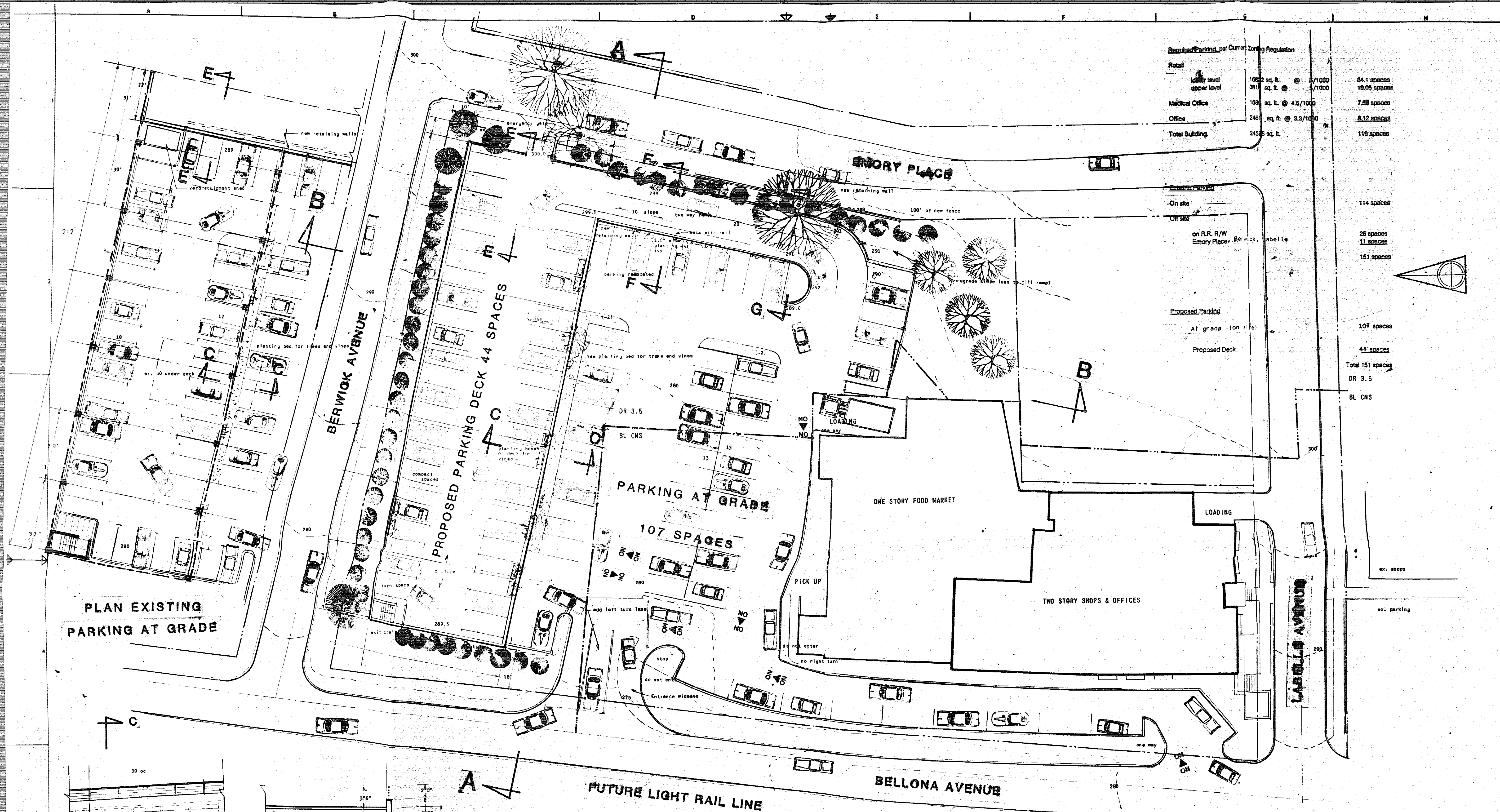
TAA Inc.
The Architectural Affiliation
Baltimore: 301-823-7862
212 Washington Ave.
Towson, Maryland 21204

RUXTON SHOPS
Bellona Avenue
Labelle
Ruxton Road

PROPOSED STAFF PARKING SCHEME 1

PROJ. NO.	6926
SCALE	1" = 20'
DATE	12/12/89
LAST REV	

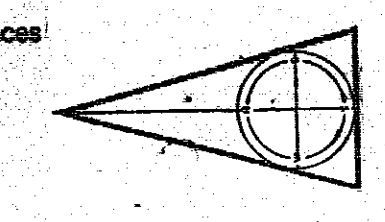




Required Parking per Current Zoning Regulation

Retail	1682 sq. ft. @ 1/1000	64.1 spaces
Medical Office	3811 sq. ft. @ 1/1000	19.05 spaces
Office	1688 sq. ft. @ 4.5/1000	7.59 spaces
Office	2461 sq. ft. @ 3.3/1000	8.12 spaces
Total Building	2455 sq. ft.	119 spaces

On site
On site
on R.R. R/W Emory Place, Berwick, Labelle
Proposed Parking
At grade (on site)
Proposed Deck
114 spaces
26 spaces
11 spaces
151 spaces
107 spaces
44 spaces
Total 151 spaces
DR 3.5
BL CNS



PLAN EXISTING
PARKING AT GRADE

PROPOSED PARKING DECK 44 SPACES

PARKING AT GRADE
107 SPACES

ONE STORY FOOD MARKET

TWO STORY SHOPS & OFFICES

FUTURE LIGHT RAIL LINE

BELLONA AVENUE

SECTION C

SECTION A-A LOOKING TOWARDS BERWICK

SECTION B-B LOOKING TOWARD EMORY PLACE

TAA Intc.

The Architectural Affiliation
Baltimore 209-823-7800
212 Washington Ave.
Towson, Maryland 21204

91-65-SPHA

RUXTON
SHOPS

Bellona Avenue
Labelle
Ruxton Road

PROPOSED STAFF
PARKING
SCHEME 2

PROJ. NO.	9924
SCALE	1" = 20'
DATE	7 - 11/89
LAST REV.	

4

Riderwood Area. It is clear that 50 years of growth has caused Petitioner's business to outgrow the original character of a grocery store serving the neighborhood. While the undisputed testimony was that the Petitioner runs an excellent business which has continued to expand beyond his expectations, the Petitioner has failed to meet his burden.

Inasmuch as the relief requested in the Petition for Special Hearing has been denied, the requested variances are rendered moot and as such, the Petition for Zoning Variance shall be dismissed.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special hearing shall be denied and the variances dismissed.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of November, 1990 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 74-108-SPH to construct a single level parking deck within the same portion of residentially zoned property previously approved for parking, pursuant to Section 409 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit minimum front, rear and side yard setbacks of 4 feet and 10 feet in lieu of the minimum required 50 feet, 30 feet and 20 feet, respectively and a minimum sum of the side yards of 14 feet in lieu of the required 55 feet for a corner lot, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED without prejudice.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

- 8 -



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg.

May 3, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

Case No. 91-65-SPHA
HAROLD F. GRAUL, JR.
SE/cor Bellona and Berwick Avenues
(7713 Bellona Avenue)
9th Election District
4th Councilmanic District

SPH-Amend 74-108-SPH/construct single-level parking deck within residentially-zoned property;
VAR-Setbacks

11/13/90 -D.Z.C.'s Order DENYING Petition for Special Hearing; DISMISSING Petition for Variance.

ASSIGNED FOR: TUESDAY, AUGUST 27, 1991 AT 10:00 a.m.

cc: Keith E. Ronald, Esquire Counsel for Petitioner/Appellant
Robert W. Cannon, Esquire Co-Counsel for "
Harold F. Graul, Jr. Petitioner/Appellant
William M. Hesson, Jr., Esquire
Mr. Clifford L. Hardwick, Esquire
Ms. Louise M. Schulz-Ruxton-Riderwood-Lake Roland Impr.
Assoc., Inc.
Ms. Sarah F. Lord-Ruxton-Riderwood-Lake Roland Impr.
Assoc., Inc.

People's Counsel for Baltimore County
P. David Fields Public Services
Pat Keller W. Carl Richards, Jr.
J. Robert Haines Docket Clerk - Zoning
Ann M. Nastarowicz Arnold Jablon, Chief Deputy
James E. Dyer County Atty.
LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg.

May 3, 1991

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Case No. 91-65-SPHA
HAROLD F. GRAUL, JR.
SE/cor Bellona and Berwick Avenues
(7713 Bellona Avenue)
9th Election District
4th Councilmanic District

SPH-Amend 74-108-SPH/construct single-level parking deck within residentially-zoned property;
VAR-Setbacks

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ASSIGNED FOR: TUESDAY, AUGUST 27, 1991 AT 10:00 a.m.

cc: Keith E. Ronald, Esquire Counsel for Petitioner/Appellant
Robert W. Cannon, Esquire Co-Counsel for "
Harold F. Graul, Jr. Petitioner/Appellant
William M. Hesson, Jr., Esquire
Mr. Clifford L. Hardwick, Esquire
Ms. Louise M. Schulz-Ruxton-Riderwood-Lake Roland Impr.
Assoc., Inc.
Ms. Sarah F. Lord-Ruxton-Riderwood-Lake Roland Impr.
Assoc., Inc.

People's Counsel for Baltimore County
P. David Fields Public Services
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J. Robert Haines Docket Clerk - Zoning
Ann M. Nastarowicz Arnold Jablon, Chief Deputy
James E. Dyer County Atty.
LindaLee M. Kuszmaul
Legal Secretary

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 13, 1990



Dennis F. Rasmussen
County Executive

Keith E. Ronald, Esquire
409 Washington Avenue, Suite 314
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
SE/Corner Bellona and Berwick Avenues
(7713 Bellona Avenue)
9th Election District - 4th Councilmanic District
Harold F. Graul, Jr. - Petitioner
Case No. 91-65-SPHA

Dear Mr. Ronald:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied and the Petition for Zoning Variance dismissed in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: William M. Hesson, Jr., Esquire
210 W. Pennsylvania Avenue, Suite 700, Towson, Md. 21204

Ms. Louise M. Schulz, Executive Director
Ms. Sarah F. Lord, Chairman, Zoning Committee
Ruxton-Riderwood-Lake Roland Improvement Assoc., Inc.
P.O. Box 204, Riderwood, Md. 21139

People's Counsel

File

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-65-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to that Order of the Deputy Zoning Commissioner in Case No. 74-108-SPH to authorize Petitioner to construct a single level parking deck within the same portion of Petitioner's residentially zoned property as was described in the above case to serve the remainder of Petitioner's adjoining property zoned "BC-CNS" in accordance with Section 208 of the Baltimore County Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: None
(Type or Print Name)
Signature: Harold F. Graul, Jr.
(Type or Print Name)
Address: 7713 Bellona Avenue
City and State: Towson, MD 21204
Signature: Keith E. Ronald
(Type or Print Name)
Address: 314, 409 Washington Avenue
City and State: Towson, MD 21204
Attorney for Petitioner: Keith E. Ronald
(Type or Print Name)
Address: 7713 Bellona Avenue
City and State: Towson, MD 21204
Attorney's Telephone No.: (301) 296-6777

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of August, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 16th day of August, 1990, at 9:30 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-65-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1B02.2.B of the BCZR and V.B.2 of the C.M.D.P. to permit front, rear and sideyard setbacks from the property line to a proposed parking deck as more particularly set forth on the attached Schedule "A".

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

SEE ATTACHED SCHEDULE "B"

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: None
(Type or Print Name)
Signature: Harold F. Graul, Jr.
(Type or Print Name)
Address: 7713 Bellona Avenue
City and State: Towson, MD 21204
Attorney for Petitioner: Keith E. Ronald
(Type or Print Name)
Address: 7713 Bellona Avenue
City and State: Towson, MD 21204
Attorney's Telephone No.: (301) 296-6777

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of August, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 16th day of August, 1990, at 9:30 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

SCHEDULE A TO PETITION FOR
VARIANCE OF HAROLD F. GRAUL, JR.

91-65-SPHA

Petitioner seeks a series of variances from Section 1.802.2.B of the Baltimore County Zoning Regulations and Section V.B.2 of the C.M.D.P. to permit (i) a minimum four foot (4') and ten foot (10') setback in the front, rear and side yards in lieu of the minimum 50' front, 30' rear and 20' side yard setback requirements; and (ii) a minimum setback for the sum of the side yards of fourteen feet (14') in lieu of the minimum requirement of 55 feet for a corner (both) lot as set forth in Section V.B.2 of the C.M.D.P.; in each of the two foregoing situations as ultimately determined by the Baltimore County Zoning Commissioner depending on the final orientation of the parking deck. The actual variances requested may be less than those set forth above (or eliminated altogether) once the orientation of the deck has finally been determined.

Petitioner is limited by (i) previous Special Hearing, (ii) existing location of grocery store and traffic patterns within his property, and (iii) limited options with respect to access to Bellona Avenue, all of which require locating of deck as set forth on Petition. Need for additional parking has resulted from directive from State of Maryland to cease parking on its nearby right-of-way line and Petitioner's desire to minimize employee parking on neighboring side streets.

91-65-SPHA

0081:02/28/91
BOK24(92608)

HAROLD F. GRAUL, JR.
9th Election District
4th Councilmanic District
Re: Petition for Special
Hearing and Zoning
Variance
SE/Corner, Bellona and
Berwick Avenues
(7713 Bellona Avenue)
* * * * *
BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 91-65-SPHA

NOTICE OF ENTRY OF APPEARANCE

Please enter the appearance of Robert W. Cannon as
Co-Counsel for the Appellant, Harold F. Graul, Jr. in the
above-captioned case.

Robert W. Cannon
Robert W. Cannon
Weinberg and Green
100 South Charles Street
Baltimore, Maryland 21201
332-8816

Co-Counsel to Harold F. Graul, Jr.
7713 Bellona Avenue
Ruxton, MD 21204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on the 28th day of February,
1991, a copy of the foregoing was mailed, postage prepaid to
the County Board of Appeals of Baltimore County, County Office
Building, 111 West Chesapeake Avenue, Towson, Maryland 21204;
Keith E. Ronald, Esquire, Thomas, Ronald and Cooper, P.A.,
Suite 314, 409 Washington Avenue, Towson, Maryland 21204;
William H. Hesson, Jr., Esquire, 210 West Pennsylvania Avenue,
Suite 700, Towson, Maryland 21204, and People's Counsel, Room
304, County Office Building, Towson, Maryland 21204.

Robert W. Cannon
Robert W. Cannon

M. E. H. DEVELOPMENT ENGINEERS, INC.
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

Towson Office
Malcolm E. Hudkins
Registered Surveyor
Phone 528-6000

JULY 12, 1990

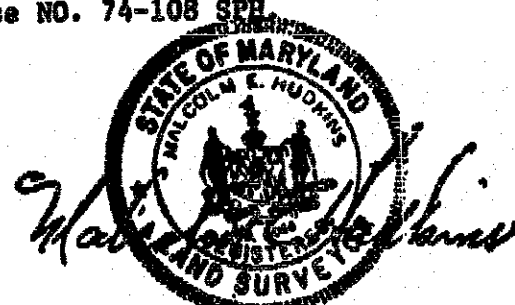
91-65-SPHA

DESCRIPTION FOR SPECIAL HEARING TO
APPROVED SPECIAL EXCEPTION FOR
PARKING IN A RESIDENTIAL ZONE

BEGINNING for the same at the intersection formed by the west side
of Emory Place and the south side of Berwick Avenue thence along the west
side of Emory Place S 12° 30' 00" W, 198.00 feet thence S 01° 07' 00" E,
50.00 feet thence S 88° 40' 00" W, 99.39 feet thence N 0° 53' 48" E, 180.29
feet thence N 85° 36' 01" W, 114.87 feet to the eastern side of Bellona
Avenue, thence N 06° 51' 00" E, 9.43 feet, thence N 07° 03' 00" E, 101.86
feet to the southeasterly corner of Bellona Avenue and Berwick Avenue,
thence along the south side of Berwick Avenue S 77° 18' 00" E, 245.33 feet
to the Point of Beginning.

Containing 0.945 acre of land more or less.

Being, or intended to be, all the same property set forth in that
description prepared by Hudkins Associates, Inc. dated August 22, 1973,
and filed in that Petition for Special Hearing Case NO. 74-108 SPH.



MALCOLM E. HUDKINS
Registered Surveyor #5095

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting September 25, 1990
Posted for: Special Hearing and Variance
Petitioner: Harold F. Graul, Jr.
Location of property: SE/Cor. Bellona and Berwick Avenues
7713 Bellona Avenue
Location of Signs: SE/Cor. of Bellona and Berwick Avenues
Remarks:
Posted by: S. J. Anasta Date of return: September 28, 1990
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9-25, 1990
THIS IS TO CERTIFY, that the annexed advertisement was
published in TOWSON TIMES, a weekly newspaper published in
Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 9-19, 1990

TOWSON TIMES,

S. Zeke Olson
Publisher

\$122.89

\$172.89

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9-25, 1990
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 9-19, 1990

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

\$122.89

NOTICE OF HEARING
The Zoning Commissioner of
Baltimore County, by authority of
the Zoning Act and Regulations
of Baltimore County, will hold a
public hearing on the property
identified herein in Room 106 of
the County Office Building, lo-
cated at 111 W. Chesapeake Av-
enue in Towson, Maryland 21204
as follows:
Petition for Special Hearing
and Zoning Variance
Case number: 91-65-SPHA
SE/Cor. Bellona and
Berwick Avenues
7713 Bellona Avenue
9th Election District
4th Councilmanic
District
Petitioner:
Harold F. Graul, Jr.
Hearing Date: Tuesday,
Oct. 16, 1990 at 9:30 a.m.
Special Hearing: To Approve
an amendment to the Code of the
County of Baltimore, to authorize
the Zoning Commissioner in
Case No. 74-108 SPH to author-
ize Petitioner to construct a single
level parking deck within the
same portion of Petitioner's res-
identially zoned property.
Variance: To permit front, rear
and side yard setbacks from the
property line to a proposed park-
ing deck.
In the event that this Petition is
granted, a building permit may be
issued within the forty (40) day
appeal period. The Zoning Com-
missioner will, however, entertain
any request for a stay of the is-
sue of said permit during this
period for good cause shown.
Such request must be in writing
and received in this office by the
date of the hearing set above or
presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
TJ/0211 Sept. 20

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
N. 3668

Date: 10/15/90
PUBLIC HEARING FEES: QTY PRICE
080 - POSTING SIGNS / ADVERTISING 1 X \$172.89
LAST NAME OF OWNER: GRAUL TOTAL: \$172.89

D-040#00351CHRC \$172.89
BA 1008:3AM10-16-90

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 10-12-90

Harold F. Graul, Jr.
7713 Bellona Avenue
Ruxton, Maryland 21204

Re: Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 91-65-SPHA
SE/Cor. Bellona and Berwick Avenues
7713 Bellona Avenue
9th Election District - 4th Councilmanic
District
Petitioner(s): Harold F. Graul, Jr.
HEARING: TUESDAY, OCTOBER 16, 1990 at 9:30 a.m.

Dear Petitioner:

Please be advised that \$ 172.89 is due for advertising and posting of
the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.
DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY
UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the
check and the sign & post set(s) to the Zoning Office, County Office Build-
ing, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15)
minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there
will be an additional \$50.00 added to the above amount for each such set
not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

cc: Keith E. Ronald, Esq.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-091-6150
Number: 91-65-SPHA

Date: 12/22/90

APPEAL FEES: 140 -OF ALL OTHER ORDERS: 150 -POSTING SIGNS / ADVERTISING: 1 X

LAST NAME OF OWNER: GRAUL

TOTAL: \$275.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

THOMAS, RONALD & COOPER, P. A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (301) 296-6777

TELECOPIER
(301) 821-8406

December 7, 1990

HAND DELIVERED

Ann M. Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: Ms. Charlotte Radcliffe

Re: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
SE/Corner Bellona and Berwick Avenues
(7713 Bellona Avenue)
9th Election District - 4th Councilmanic District
Harold F. Graul, Jr., - Petitioner
Case No. 91-65-SPHA

Dear Ms. Radcliffe:

Please accept this letter as notice that the Petitioner in the above referenced matter desires to appeal the decision of the Deputy Zoning Commissioner dated November 13, 1990 to the Baltimore County Board of Appeals.

Enclosed please find this office's check in the amount of \$275.00, representing the \$125.00 filing fees for the appeals on the requests for special hearing and variance and the \$25.00 charge for the posting of one sign.

Thank you for your assistance in this matter.

Very truly yours,

Keith E. Ronald
Keith E. Ronald

cc: Harold F. Graul, Jr.
William M. Hesson, Jr., Esquire

13-7-90

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 20, 1990

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 91-65-SPHA
SE/Cor. Bellona and Berwick Avenues
7713 Bellona Avenue
9th Election District - 4th Councilmanic
Petitioner(s): Harold F. Graul, Jr.
HEARING: TUESDAY, OCTOBER 16, 1990 at 9:30 a.m.

Special Hearing: To approve an amendment to the Order of the Deputy Zoning Commissioner in Case No. 74-108-SPH to authorize Petitioner to construct a single level parking deck within the same portion of Petitioner's residentially zoned property.
Variance: To permit front, rear and side yard setbacks from the property line to a proposed parking deck.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Harold F. Graul, Jr.
Keith E. Ronald, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 4, 1990

Keith E. Ronald, Esquire
Suite 314, 409 Washington Avenue
Towson, MD 21204

RE: Item No. 30, Case No. 91-65-SPHA
Petitioner: Harold F. Graul, et ux
Petition for Special Hearing and
Zoning Variance

Dear Mr. Ronald:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Harold F. Graul, Jr.
7713 Bellona Avenue
Ruxton, MD 21204

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
15th day of August, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Harold F. Graul, et ux
Petitioner's Attorney: Keith E. Ronald

Oct. 16, 1990 91-65-SPHA

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: October 5, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Harold F. Graul, Jr., Item No. 30

This request for Special Hearing to Amend the order in Case No. 74-108SPH raises issues concerning the applicability of that previous case. The previous hearing was a request for surface parking in a D.R. zone with access from Bellona Avenue. The present request to amend involves an intensification of use, an expansion in excess of 25% of the existing parking lot for structured parking with controlled (card-gate) access from a narrow residential street, Emory Place, which has a paved width of only 12 ft. An issue needs to be addressed by the Zoning Commissioner as to whether the structured parking should or should not meet residential transition area (RTA) requirements, i.e., should a 75' landscaped buffer be provided between any off-site dwellings (other than apartments) and the structured parking?

The parking deck concept as proposed is not compatible with the immediate residential neighborhood either in terms of its design or access. The architect should re-evaluate the deck concept as follows:

- 1) to have sole access from Bellona, not the narrow residential street, Emory Place;
- 2) to lower the parking so there is one level below grade and one level on grade as viewed from Bellona;
- 3) to resolve R.T.A. issues;
- 4) limit the hours of operation for the deck, 24-hour operation, 7 days per week is not acceptable (see note 10 on plan);
- 5) limit the hours the lighting will be used;
- 6) provide a detailed landscaping plan for the entire site; and
- 7) correct the existing parking - off-site parking on Emory Place, Berwick and LaBelle (11 spaces) can not be legally included in parking provided. Also, the right-of-way agreement for parking in the railroad right-of-way (25 spaces) was not approved by Baltimore County and no longer is in effect.

Harold F. Graul, Jr., Item No. 30
Page 2
October 3, 1990

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

GRAUL.ZAC/ZAC1

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

August 10, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 30, 31, 33, 34, 35, 36, 37, and 38.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw

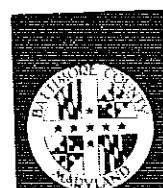
RECEIVED
AUG 20 1990

ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

AUGUST 9, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: HAROLD F. GRAUL, JR.

Location: #7713 BELLONA AVENUE

Item No.: 30 Zoning Agenda: AUGUST 14, 1990
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. SECTION 29-6.

REVIEWER: *Capt. Joseph Kelly* 8-9-90 Noted and Approved *Captain D. F. Braden*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
AUGUST 13, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 30
PROPERTY OWNER: Harold F. Graul, Jr.
LOCATION: S/E corner Bellona Ave. & Berwick Ave.
(#7713 Bellona Avenue)
ELECTION DISTRICT: 9th
COUNCILMANIC DISTRICT: 4th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

X PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

X PARKING LOCATION () RAMP (degree slope)
() CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

X A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

X OTHER - Structure must conform with height and area requirements of Section 607.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 9, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for August 14, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 30, 31, 33, 34, 35, 36, 37, 38.

RWB:g



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

July 8, 1991

Keith E. Ronald, Esquire
THOMAS, RONALD & COOPER, P.A.
Suite 314
409 Washington Avenue
Towson, MD 21204

RE: Case No. 91-65-SPHA
Harold F. Graul, Jr.

Dear Mr. Ronald:

Enclosed please find a copy of the final Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Mr. Harold F. Graul, Jr.
Robert W. Cannon, Esquire
William M. Hesson, Jr., Esquire
Clifford L. Hardwick, Esquire
Ms. Louise M. Schulz
Ms. Sarah F. Lord
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
of Zoning Administration



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

April 4, 1991

Clifford L. Hardwick, Esquire
Hardwick, Tripoda & Harris
15 Guilford Avenue
Baltimore, Maryland 21202

Re: Case No. 91-65-SPHA (Harold F. Graul, Jr.)

Dear Mr. Hardwick:

This will confirm receipt of your letter dated April 2, 1991.

Please be advised that your name has been added to the file and you will be notified when the case is set in for hearing.

Sincerely,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

THOMAS, RONALD & COOPER, P.A.
ATTORNEYS AT LAW
SUITE 314
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (301) 296-6777

W. LEE THOMAS
KEITH E. RONALD
GAIL C. COOPER
DANIEL V. SCHMITZ

January 26, 1990

Mr. Peter Christie
The Architectural Affiliation
212 Washington Avenue
Towson, Maryland 21204

Re: Graul's

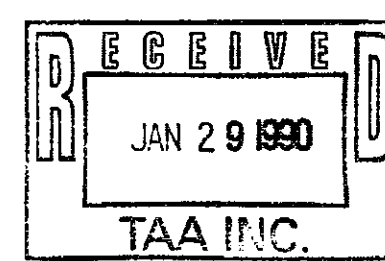
Dear Pete:

I have reviewed the Proposed Staff Parking Scheme 2 and other material you provided me earlier this week as well as the pertinent zoning regulations. My comments and questions are as follows:

As you are well aware from the portion of the BCZR which you forwarded to me, the approval process for the parking structure is to be commenced by your filing an application for a special use permit to construct the parking structure in the DR zone. The County will then post notice of the application conspicuously on the property. Any interested person may file an objection to the request at any time during the 15 day posting period. If no such objection is filed by one or more disgruntled neighbors, the zoning commissioner will rule on the application without a public hearing.

If an objection is so filed, as we both anticipate, the applicant, Graul's, is required to file a Petition for Special Hearing with respect to the application. As you know, it takes 3-4 weeks just to get an appointment to file the Petition. After that, the hearing will not likely be held until some two to three months following the date that the Petition is filed. Notwithstanding the language in the zoning regulations to the contrary, the petition for special hearing is placed in the same waiting list as those applications for special exceptions and variances, and the current waiting period is running some two to three months.

At the hearing, each side shall be entitled to present its case as to why the structure should or should not be constructed in accordance with the plan submitted to the County for approval. Mr. Graul shall have the burden of proving that the proposed structure complies with both the



THOMAS, RONALD & COOPER, P.A.

Mr. Peter Christie
January 26, 1990
Page 2

standards set out in Section 409.8.5.2 of the BCZR and those set out in Section 502.1 with respect to the issuance of a special exception.

As you know, the commissioner may or may not issue a ruling at the end of the hearing. If he does not, the written opinion on our Petition, which may contain whatever limitations on the construction of the parking facility as the Commissioner deems appropriate (consistent with the BCZR and the testimony presented at the hearing), may be issued within the thirty day period following the hearing, although there is no statutory requirement that an opinion be issued during the thirty day period. Any interested party may take an appeal to the Board of Appeals within thirty days of the date of the written opinion.

I believe your proposed structure is a fair and reasonable one. I do have some questions with respect to it however:

1) Does the proposal comply with any and all setback and buffer requirements? Are any variances needed under the proposal you have drawn up?

2) Are there any houses fronting on Emory Place in the same block as Graul's? Is the emergency gate shown on the plan at the same grade as Emory Place? How do you intend to limit its use to emergency situations only?

3) Please look at Section 400 of the BCZR. I agree that we are not the typical accessory structure in a residential zone. I do believe that we strictly fall within the definitions as provided for in that section and I further believe from a review of your proposed plan that we do not comply with the "farthest removed from the street" language and other percentage requirements set out in that section. Do you know for a fact from your vast experience in Baltimore County that this section does not apply to our situation involving mixed zoning or could this be an issue which might arguably be used against us at the hearing?

Please let me know when you would like to set up a meeting between Mr. Graul, yourself and me to plan strategy and/or a formal presentation to the neighborhood association. I, too am going to try and take some time off during the week of February 5 and also have a previous

THOMAS, RONALD & COOPER, P.A.

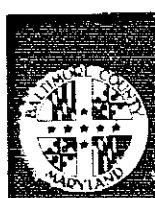
Mr. Peter Christie
January 26, 1990
Page 3

commitment on February 14. Other than those times, I am pretty much at your disposal.

Very truly yours
Keith E. Ronald
Keith E. Ronald

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 287-3554

January 10, 1990



Dennis F. Rasmussen
County Executive

Mr. Peter Christie
The Architectural Affiliation
212 Washington Avenue
Towson, Maryland 21204

RE: Ruxton Shops

Dear Mr. Christie:

The plan for the proposed staff parking at the Ruxton Shops was received by our office and one of my staff visited the site. The following comments are offered.

- 1) A 400 ft. sight line to the south of the northern access point on Bellona Avenue needs to be shown on the plan. The existing sight distance does not meet current standards.
- 2) Sight lines are to be drawn from the centerline of the proposed access at a point 10 ft. behind the extension of the main road curb line to the center line of the nearest approach lane on the main road.
- 3) Areas between the sight line and the curb line must be cleared, graded, and kept free of any obstructions. All subsequent plans must note this also.
- 4) "One-Way"/"Do Not Enter" signs need to be posted for the southern access on Bellona Avenue.
- 5) It is undesirable for northbound vehicles to be entering the traffic stream into the parking lot so close to Bellona Avenue. It is suggested that a one-way pattern for the access to the "pick-up" area be adopted. Appropriate signs should also be posted. (See attached drawing).

Very truly yours,

C. Richard Moore
C. Richard Moore, Bureau Chief
Bureau of Traffic Engineering

CRM/RE/lvw

Attachment

IN RE: PETITIONS FOR SPECIAL
HEARING AND ZONING VARIANCE
SM/COR. YORK AND WEST ROAD
9th Election District
4th Councilmanic District
WEST YORK LTD. PARTNERSHIP
PETITIONER

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-440-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing for an amendment to the site plan in Case 86-363-SPH to conform to the current changed site plan and to change the fixed values as previously limited and, also, a Petition for zoning variances to permit minimum front yard setback of 11 ft. in lieu of the required 25 feet; to permit average front street setback of 11 feet from the existing State right-of-way instead of 52.5 feet; to permit 909 parking spaces in lieu of 1,051 parking spaces; and to permit side yard setback of 1 and 2 feet respectively in lieu of required 20 feet and a rear yard setback of 5 feet in lieu of the required 30 feet as required for other principal buildings in a DR zone, as more particularly described on Petitioner's Exhibit 2.

The Petitioner was represented by Julius Lichter, Esquire who appeared and testified. The Petitioner was supported by additional testimony provided by Mr. George E. Garrelis of Daft, McCune and Walker, Inc., Mr. John H. Larzen of D.I. Architecture, Inc., Wes Guckert of the Traffic Group, Inc. and Mr. Carl Canapp of Ruck Towson Funeral Home, Inc.

Several Protestants appeared and testified, namely, Mr. and Mrs. Donahue, Messrs. Pressman, Bauer, Dalina, Armstrong and Ortell and, Ms. Mary E. Ginn. Anthony DiPaola, Esquire, of Covahey and Boozer, appeared and testified on behalf of Ms. Emma Lindeman.

Simons
Contractors, Inc.

20 E. Timonium Road
Suite 205
Timonium, Maryland 21093
(301) 560-0822 FAX 560-0823

January 12, 1990

TAA
212 Washington Avenue
Towson, Maryland 21204

Attention: Mr. Peter Christie

RE: Ruxton Area
Graul Ford Market
Parking Facility

Dear Peter:

Reviewing your drawings on the various schemes, we prepared a budget breakdown for consideration.

Scheme I:	
Concrete walls-footings	16,639
Stairway	10,700
Blacktop-parking	11,104
Pre-cast concrete	225,264
Superv.-general conditions-labor	32,895
Contingency	11,400
Excavation	12,312
Electrical	12,272
Railing	9,792
Gate Entrance	6,555
Planting	5,700
	\$354,633

Scheme II:	
Additional	\$115,926

We believe that working with you, we can develop some cost savings. As you know, we just completed a garage similar to the size of this proposal.

If we can be of further help please call.

Very truly yours,

John O. Simons
John O. Simons

JOS:jaw

January 6, 1990

Mr. Harold Graul
Graul's Market Inc.
7713 Bellona Avenue
Baltimore, MD 21204

Dear Mr. Graul:

Following your meeting on December 6, 1989 to present the proposed expansion of your parking lot, the neighbors decided to hold their own meeting to discuss the issues and present your proposal to a wider circle of interested parties. On January 2, 1990, approximately twenty people from Berwick, Labelle and Locust along with a few from other nearby streets, held an open discussion using the drawings you had provided.

Although we all agreed that your store has been a "good neighbor" to the community, the unanimous agreement of those present is to oppose any expansion of the parking lot in order to protect the character of the neighborhood.

We wished to let you know of this decision before you plan another meeting, and as representatives of the neighborhood we are available to discuss with you personally any further ideas or thoughts.

For the neighbors,

Peter M. Saybolt *Frank Lucas* *David Washawsky*
Peter M. Saybolt Frank Lucas David Washawsky

cc: Chris West, President
Ruxton-Riderwood-Lake Roland Improvement Association

LANDSCAPE ARCHITECTS
LANDSCAPE CONTRACTORS
GARDEN CENTER

MAXALEA
NURSERIES
INC.
Established in 1929

900 Oak Hill Road
BALTIMORE, MD 21239
301-377-7500

December 7, 1989

Mr. Peter Christie
212 Washington Avenue
Towson, Maryland 21204

EMORY PLACE

Dear Mr. Christie,

I would welcome the opportunity to do a landscape plan for Emory Place. The plan would include screening of the parking lot, possibly using a wire fence to prohibit pedestrian traffic down the embankment. Ground covers, spring bulbs and several medium flowering shrubs to soften the entrance ramp. Around the parking deck on the south side I will show flowering trees such as Yoshino Cherry, Washington Hawthorn or Golden Rain trees underplanted with an evergreen groundcover, i.e. Junipers, or Ivy.

The design will be drawn to scale, one eighth inch to equal ten feet. My design time is \$40.00 per hour. This fee includes consultation time, measuring time and drawing time. Estimated time is five to eight hours. If this is acceptable with you, please sign below and return to me.

Sincerely,

Michael L. McWilliams
Michael L. McWilliams
Vice President/Landscape Designer

MLM:mms
823-7862
823-7863 Fax

Members Maryland Nurserymen's Association and Landscape Contractors Association

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ESTIMATE

December 1, 1989

Mr. Peter Christie
212 Washington Avenue
Towson, Maryland 21204

Landscape suggestions for new parking deck
and access ramp to Emory Place

Along Emory Place

Plant: 10 Canadian Hemlocks, 6'-7' - to provide screening of parking lot
Possibly add wire fence to prohibit pedestrian traffic down embankment.

Entrance ramp

Soften entrance ramp with low ground covers, spring bulbs and several medium flowering shrubs.

Parking deck tree planting, south side

Suggest 4 flowering trees i.e. Yoshino Cherry, Washington Hawthorn, or Golden Rain trees. Under plant with evergreen groundcover i.e. Junipers or Ivy.

North side of parking lot

Area consists of dense Canadian Hemlock hedge. Suggest not pruning as to allow hedge to screen proposed parking deck.
Note: I would not suggest planting in county right of way as this may only create problems in the future.

MLM:mms
823-7862

Accepted:

Michael L. McWilliams
Michael L. McWilliams

TERMS: One third deposit, balance due within 10 days of completion of work.

Member Maryland Nurserymen's Association and Landscape Contractors Association
This proposal may be withdrawn within 30 days. All plants are planted according to standard practices of the American Association of Nurserymen. Shrubs, trees and ground cover will be fully guaranteed for one year (12 months). Plants must be properly cared for and watered for this guarantee to be in effect. Labor charges are guaranteed for 6 months. Transplanted materials.

THOMAS, RONALD & COOPER, P.A.
ATTORNEYS AT LAW
SUITE 304

TELEPHONE
(301) 821-8406

W. LEE THOMAS
KEITH E. RONALD
GAIL G. COOPER
DANIEL V. SCHMITT

409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (301) 296-6777

July 2, 1991

HAND DELIVERED

County Board of Appeals of Baltimore County
County Office Building
Room 315
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-65 SPHA
HAROLD F. GRAUL, JR.
SE/cor Bellona and Berwick Avenues
(7713 Bellona Avenue)
9th Election District
4th Councilmanic District

SPH-Amend 74-108-SPH/construct single-level parking deck within residentially-zoned property;
VAR-Setbacks

Scheduled Hearing Date:
TUESDAY, AUGUST 27, 1991 AT 10:00 a.m.

Dear Sirs:

This office represents Harold F. Graul, Jr. Please accept this letter as my client's formal request to withdraw and dismiss the above-referenced appeal.

Very truly yours,
Keith E. Ronald
Keith E. Ronald

KER:ff

cc: Harold F. Graul, Jr.
Robert W. Cannon, Esq.
William M. Hesson, Jr., Esq.

Baltimore County Board of Appeals
County Office Building, Room 315
111 Allegany Avenue
Towson, Maryland 21204

April 15, 1991

Re: Petition for Special Hearing
and Zoning Variance
Harold F. Graul, Jr.-Petitioner
Case No. 91-65 SPHA

Dear Board Members:

As a former resident and owner of 1413 Malvern Avenue, Baltimore, Maryland, I wish to make known my support of the above Petitioner request for Special Hearing and Zoning Variance of Case No. 91-65SPHA.

Since my husband's untimely death I own and reside at 6130 Buckingham Manor Drive, Baltimore County, Maryland.

It is in close proximity of Graul's Store on Bellona Avenue and I am a frequent customer. I have resided in the area for the past 23 years. Since Harold F. Graul, Jr. became the proprietor of the store I have known him to be a very community minded and honest businessman. The premises of his business has always been well kept and his customers best interests were always first. My daughter worked at his store for about 6 years (through high school and college), so we also know him as employer, who always treated his employees fair and equal.

I think the additional parking is needed and in the best interests of the area.

Sincerely,

Catherine A. Magee
Mrs. Catherine A. Magee